

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT  
FIRST SESSION**

**Wednesday, 19 September 2018  
(Extract from book 13)**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry**

(from 16 October 2017)

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources . . . . .	The Hon. T. H. Pallas, MP
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Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services . . . . .	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government . . . . .	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water . . . . .	The Hon. L. M. Neville, MP
Attorney-General and Minister for Racing . . . . .	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development . . . . .	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs . . . . .	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections . . . . .	The Hon. G. A. Tierney, MLC
Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Thomas, MP

**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

**Speaker**

The Hon. C. W. BROOKS (from 7 March 2017)

The Hon. TELMO LANGUILLER (to 25 February 2017)

**Deputy Speaker**

Ms J. MAREE EDWARDS (from 7 March 2017)

Mr D. A. NARDELLA (to 27 February 2017)

**Acting Speakers**

Ms Blandthorn, Mr Carbines, Ms Couzens, Mr Dimopoulos, Mr Edbrooke, Ms Graley,  
Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Mr Richardson, Ms Spence, Ms Suleyman,  
Ms Thomson, Ms Ward and Ms Williams.

**Leader of the Parliamentary Labor Party and Premier**

The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier**

The Hon. J. A. MERLINO

**Leader of the Parliamentary Liberal Party and Leader of the Opposition**

The Hon. M. J. GUY

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition**

The Hon. D. J. HODGETT

**Leader of The Nationals**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals**

Ms S. RYAN

**Heads of parliamentary departments**

*Assembly* — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

*Council* — Acting Clerk of the Parliaments and Clerk of the Legislative Council: Mr A. Young

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphine, Dr Denis Vincent <sup>3</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio <sup>4</sup>	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John <sup>5</sup>	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>6</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison <sup>7</sup>	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard <sup>8</sup>	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>9</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahan	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Thorpe, Ms Lidia Alma <sup>10</sup>	Northcote	Greens
Kairouz, Ms Marlene	Kororoit	ALP	Tilley, Mr William John	Benambra	LP
Katos, Mr Andrew	South Barwon	LP	Victoria, Ms Heidi	Bayswater	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kilkenny, Ms Sonya	Carrum	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Knight, Ms Sharon Patricia	Wendouree	ALP	Ward, Ms Vicki	Eltham	ALP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Watt, Mr Graham Travis	Burwood	LP
Lim, Mr Muy Hong	Clarinda	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Williams, Ms Gabrielle	Dandenong	ALP
McGuire, Mr Frank	Broadmeadows	ALP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Elected 31 October 2015

<sup>2</sup> Resigned 3 September 2015

<sup>3</sup> Resigned 3 September 2015

<sup>4</sup> ALP until 7 March 2017

<sup>5</sup> Nats until 28 August 2017

<sup>6</sup> Elected 14 March 2015

<sup>7</sup> Died 23 August 2017

<sup>8</sup> Elected 31 October 2015

<sup>9</sup> Resigned 2 February 2015

<sup>10</sup> Elected 18 November 2017

**PARTY ABBREVIATIONS**

ALP — Labor Party; Greens — The Greens;  
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

### **Legislative Assembly committees**

**Privileges Committee** — Ms Allan, Mr Clark, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Mr Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodgett, Ms Kairouz, Ms Ryan and Ms Sheed.

### **Legislative Assembly select committees**

**Penalty Rates and Fair Pay Select Committee** — Ms Blandthorn, Mr J. Bull, Mr Clark, Mr Hibbins, Ms Ryall, Ms Suleyman and Ms Williams.

### **Joint committees**

**Accountability and Oversight Committee** — (*Assembly*): Mr Angus, Mr Gidley, Mr Noonan and Ms Thomson. (*Council*): Mr O’Sullivan, Mr Purcell and Ms Symes.

**Dispute Resolution Committee** — (*Assembly*): Ms Allan, Mr Clark, Ms Hutchins, Mr Merlino, Mr M. O’Brien, Mr Pakula and Mr Walsh. (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge.

**Economic, Education, Jobs and Skills Committee** — (*Assembly*): Mr Crisp, Mrs Fyffe, Ms Garrett and Ms Ryall. (*Council*): Mr Bourman, Mr Elasmarr and Mr Melhem.

**Electoral Matters Committee** — (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon and Ms Spence. (*Council*): Ms Bath, Ms Patten and Mr Somyurek.

**Environment, Natural Resources and Regional Development Committee** — (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan. (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young.

**Family and Community Development Committee** — (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish. (*Council*): Dr Carling-Jenkins and Mr Finn.

**House Committee** — (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson. (*Council*): The President (*ex officio*), Mr Eideh, Ms Lovell, Mr Mulino and Mr Young.

**Independent Broad-based Anti-corruption Commission Committee** — (*Assembly*): Mr Hibbins, Mr D. O’Brien, Mr Richardson, Ms Thomson and Mr Wells. (*Council*): Mr Ramsay and Ms Symes.

**Law Reform, Road and Community Safety Committee** — (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley. (*Council*): Dr Carling-Jenkins and Mr Gepp.

**Public Accounts and Estimates Committee** — (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O’Brien, Mr Pearson, Mr T. Smith and Ms Ward. (*Council*): Ms Patten, Ms Pennicuik and Ms Shing.

**Scrutiny of Acts and Regulations Committee** — (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, Ms Kilkenny and Mr Pesutto. (*Council*): Ms Bath and Mr Dalla-Riva.

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**Wednesday, 19 September 2018**

**The SPEAKER (Hon. Colin Brooks) took the chair at 9.33 a.m. and read the prayer.**

**PETITIONS**

**Following petitions presented to house:**

**Canterbury Road, Heathmont**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that the Canterbury Road, Heathmont, railway bridge needs better pedestrian protection.

Since the Andrews Labor government narrowed Mountain Highway in Bayswater, traffic (especially truck traffic) on Canterbury Road in Heathmont has increased dramatically.

Bad accidents are occurring and the fencing panels, meant to protect pedestrians on the bridge above the rail lines, are constantly destroyed.

The petitioners therefore request that the Legislative Assembly of Victoria calls on state government to have VicRoads urgently replace the fence with something much stronger and safer.

**By Ms VICTORIA (Bayswater) (398 signatures).**

**Destination Queenscliff**

To the Legislative Assembly of Victoria in relation to Queenscliffe borough council's proposal for commercial development of Queenscliff's southern headland and the recreation reserve:

We the undersigned residents of Queenscliffe and Victoria submit this petition. We request that the Victorian state government withholds any funding towards the proposed 10 tourist lodgings and the 40-seat cafe/kiosk components of the 'Destination Queenscliff project'. Our reasons for this request include:

The 2014 council-sponsored local community survey overwhelmingly rejected such a proposal in favour of landscaping and low-key improvements sensitive to this iconic headland overlooking Port Phillip Heads.

The proposal is against consistent heritage and environmental advice for the area.

The proposal by using taxpayer and ratepayer monies is demonstrably unfair to the current local hospitality and accommodation businesses.

Genuine and widespread community consultation is required to determine more appropriate uses of the funding.

**By Ms NEVILLE (Bellarine) (1080 signatures).**

**Retirement housing sector**

To the Legislative Assembly of Victoria:

The petition of residents of Burnside Retirement Village, Burnside, Victoria, 3023, residents of The Lakes estate, Taylors Lakes, Victoria, 3038, residents of Taylors Hill Village, Taylors Hill, Victoria, 3037, residents of Wantirna Village, Wantirna, Victoria, 3152, residents of Vermont Retirement Village, Vermont South, Victoria, 3133, residents of Cameron Close Village, Burwood, Victoria, 3125 and residents of Knox Village, Wantirna South, Victoria, 3152, draws to the attention of the house the growing issues within the retirement living and assisted care industry. As current residents residing in the above retirement villages we want to know that we can live without fear or worry when something goes wrong and the village owner/operator will not do what they are required to do under the contract or where the contract is vague and ambiguous. It has significantly contributed to the angst and stress that residents have to endure in their twilight years. We have many examples where an owner/operator has not done the right thing by the retirement village residents. We want to curtail the ability of the owner/operator to continue to behave unconscionably as the owner/operator has the benefit of time as well as the might of a corporation to create a protracted environment for a resident that the owner/operator is in dispute with.

The petitioners therefore request that the Legislative Assembly of Victoria appoint, under the Ombudsman Act 1973, an ombudsman for our retirement living and assisted care industry to oversee and to ensure that the rights of elderly, frail and vulnerable residents are protected and that issues between residents and retirement village operators are resolved expeditiously and in a fair and dignified manner for residents.

**By Mr ANGUS (Forest Hill) (892 signatures).**

**AGL Crib Point gas terminal**

We, the undersigned, call on the Legislative Assembly of Victoria to reject AGL's proposal to transport liquid natural gas from all over the world to a floating storage regasification unit (FSRU) moored to the Crib Point jetty on Western Port Bay for the following reasons:

1. The potential risk of a significant and devastating fire/explosion event.
2. The potential for ships under 'flags of convenience'; the transporting the LNG to be poorly maintained; staffed with cheap, foreign labour; and bringing marine pests to a sensitive ecosystem.
3. It risks permanent damage to delicately balanced marine life, birdlife, seagrasses and mangroves in an area that is an internationally recognised Ramsar-listed wetland and UNESCO-designated biosphere reserve.
4. Pollution (air, noise and light) contaminating both the immediate and regional communities.
5. The potential negative impact on local businesses dependent on tourism and fishing.

6. Construction of an approximately 60-kilometre pipeline from Crib Point to Pakenham, disrupting landowners and the environment and with its own inherent risks.

**By Mr BURGESS (Hastings) (262 signatures).**

### **Gerangamete groundwater**

To the Legislative Assembly of Victoria:

This petition of the residents of south-west Victoria draws to the attention of the house the issue of unsustainable groundwater extraction from the Barwon Downs bore field at Gerangamete, Victoria, Australia.

The petitioners request that the Andrews Labor government immediately intervene and permanently stop groundwater extraction from the Barwon Downs bore field at Gerangamete and that no further licence be issued for this unsustainable practice.

**By Mr RIORDAN (Polwarth) (512 signatures).**

### **South Barwon and Geelong police resources**

To the Legislative Assembly of Victoria:

This petition of residents of South Barwon and the state of Victoria draws to the attention of the house that Premier Daniel Andrews has failed to commit to providing additional police officers as Victoria grows.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on Premier Daniel Andrews to commit to providing additional police for the South Barwon and Geelong community as a matter of priority.

**By Mr KATOS (South Barwon) (2929 signatures).**

### **High Street, Belmont**

To the Legislative Assembly of Victoria:

This petition of residents of the state of Victoria draws to the attention of the house that the below signed request the Premier to intervene and redirect the proposed bike lanes on High Street, Belmont, to an alternative route.

The present proposal will remove on-street parking, which will adversely impact businesses and local residents' amenity shopping in the precinct.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria call on the Andrews government to reconsider the proposal for bike lanes on High Street, Belmont, saving car parking and ease of access to shops and facilities.

**By Mr KATOS (South Barwon) (418 signatures).**

### **Ballarat rail line level crossings**

To the Legislative Assembly of Victoria:

The petition of residents of Brimbank draws to the attention of the house the greatly increased numbers of trains and

commuter traffic at the Ballarat rail line level crossings at Robinsons Road, Deer Park, Station Road, Deer Park, and Fitzgerald Road, Sunshine West, which is leading to boom gates being down for much of the morning peak, causing havoc on surrounding roads and putting the safety of drivers, pedestrians and commuters at risk.

The petitioners therefore request that the Legislative Assembly of Victoria fast-track the removal of these three dangerous, congested level crossings.

**By Ms SULEYMAN (St Albans) (4711 signatures).**

### **Mickleham Road duplication**

To the Legislative Assembly of Victoria:

The petition of certain citizens of Greenvale draws to the attention of the house issues relating to the need to duplicate Mickleham Road from Somerton Road to Craigieburn Road. The current road does not meet the needs of the volume of traffic utilising it and is a safety concern.

The petitioners therefore request that the Legislative Assembly of Victoria begin the process of putting into place the planning for and construction of the road.

**By Ms SPENCE (Yuroke) (71 signatures).**

**Tabled.**

**Ordered that petition presented by member for St Albans be considered next day on motion of Ms SULEYMAN (St Albans).**

**Ordered that petition presented by member for Hastings be considered next day on motion of Mr BURGESS (Hastings).**

**Ordered that petition presented by member for Bellarine be considered next day on motion of Ms COUZENS (Geelong).**

**Ordered that petition presented by member for Bayswater be considered next day on motion of Ms VICTORIA (Bayswater).**

**Ordered that petition presented by member for Forest Hill be considered next day on motion of Mr ANGUS (Forest Hill).**

**Ordered that petitions presented by member for South Barwon be considered next day on motion of Mr KATOS (South Barwon).**

**Ordered that petition presented by member for Polwarth be considered next day on motion of Mr RIORDAN (Polwarth).**

## PARLIAMENTARY DEPARTMENTS

## Report 2017–18

**Ms THOMSON (Footscray), by leave, presented reports of Department of the Legislative Assembly and Department of Parliamentary Services.**

**Tabled.**

## DOCUMENTS

## Tabled by Acting Clerk:

Auditor-General:

Delivering Local Government Services — Ordered to be published

Managing the Environmental Impacts of Domestic Wastewater — Ordered to be published

Security and Privacy of Surveillance Technologies in Public Places — Ordered to be published

Ombudsman — Report 2017–2018 — Ordered to be published

*Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rule 119

Victorian Law Reform Commission — Review of the *Victims of Crime Assistance Act 1996* — Ordered to be published.

The following proclamation fixing an operative date was tabled by the Acting Clerk in accordance with an order of the house dated 24 February 2015:

*Prevention of Family Violence Act 2018* — Whole Act — 4 October 2018 (*Gazette S433, 18 September 2018*).

**JUSTICE LEGISLATION  
MISCELLANEOUS AMENDMENT  
BILL 2018**

*Council's amendments*

**Returned from Council with message relating to amendments.**

**Ordered to be considered later this day.**

## MEMBERS STATEMENTS

## Albert Park electorate infrastructure

**Mr FOLEY** (Albert Park) (09:39) — As this will be the last opportunity in this Parliament, subject to the will of the people of Albert Park, I just want to take this opportunity to reflect on the amazing, successful investments that this government has undertaken in my community: two brand-new schools, noting of course

that four had been closed in the Kennett years; record investment in at least 11 other education programs in my community; ambulance and response standards in the South Melbourne ambulance station up to record high levels; reinvestment in health in the Alfred hospital with nurses, doctors and any number of assistant support services; record investment in trams, including 40 new E-class trams; and the Melbourne Metro Anzac station in my community.

And of course we have had record investment in police and support services; the rolling out of CCTV in three different areas in St Kilda for the very first time ever; the investment of \$15 million in the Pride Centre as the hub of revitalising Fitzroy Street; the wonderful \$20 million-plus reinvestment in the Palais Theatre to bring it back to its former glory; and of course particularly at the western end of the electorate the efforts to undo the mess that those opposite left us at Fishermans Bend and making sure that the investment there delivers the kind of things that Victorians expect from their government — that is, clear opportunities for future growth in jobs, education and health.

## Car sharing

**Mr HODGETT** (Croydon) (09:41) — With Melbourne's population continuing to grow rapidly, in turn resulting in more vehicles on our roads and worsening congestion, new and innovative ideas are needed right now to ensure people can continue to move efficiently across the city, thus reducing the risk of a looming urban mobility crisis. To this end I was pleased to recently meet with Car2go, the mobility arm of Mercedes, who are looking to invest significantly in Victoria, and whose plan to introduce a new concept of free-floating car sharing in Melbourne could hold an important key to tackling some of our city's biggest congestion challenges.

Free-floating car sharing is an innovative technology with a smart operating model that improves cities by enabling users to pick up and drop off vehicles at any location. This would offer Melbourne a transport alternative to supplement existing transport systems and reduce inner-urban vehicle congestion. Free-floating car sharing also offers a good opportunity for a practical pathway into a sustainable, low-emission urban mobility future through the accelerated uptake of electric vehicles.

This is an initiative which should be encouraged and supported by government. If the Premier was serious about reducing congestion on our roads, he would foster an environment to facilitate car sharing through the creation of relevant regulatory frameworks, such as

issuing relevant exemptions or permits, and work with all stakeholders and levels of government to ensure its fruition. Enactment of these reforms would support stated commitments to reduce our state's emissions, reinforce Victoria's status as an innovation hub and enable the effective deployment of free-floating car sharing in Victoria as part of an integrated and equitable world-class transport system.

### **South Croydon Football Club**

**Mr HODGETT** — On another note, I wish the South Croydon Football Club all the best for the reserves and seniors grand finals of the Eastern Football League division 1 at Bayswater Oval this Saturday — go the South Croydon Bulldogs!

### **Melton Highway, Sydenham, level crossing**

**Ms HUTCHINS** (Minister for Aboriginal Affairs) (09:42) — I rise to say how proud I am that the Andrews Labor government has delivered the removal of the Melton Highway level crossing in my electorate of Sydenham. The level crossing used to slow down about 100 trains and add about 30 minutes of travel in peak times to the almost 40 000 cars that use the level crossing every day. My community and I campaigned over many years to have this crossing removed because it was such a danger to our local schoolkids, and I am excited that the project is almost complete.

Work on the new six-lane road bridge over the Sunbury and Bendigo rail lines is almost complete, with two lanes in each direction currently operating. We have also added bike lanes, footpaths, lighting and artwork. This project has created many jobs. I thank BMD Constructions for the hard work and commitment of all the construction workers involved, who, by the way, used Australian steel and recycled bricks from the Melton area to create an earth wall.

I would also like to thank the stakeholder liaison group, a group of committed local residents who used their voices to help deliver this project and raise community questions and suggestions. I thank the Minister for Public Transport and the Level Crossing Removal Authority for their prompt delivery of this project. And to all the commuters who patiently travelled through and around this level crossing during construction, I thank you for your patience, and I look forward to celebrating on 6 October on our community day.

### **Benalla roads**

**Ms RYAN** (Euroa) (09:44) — I call on the Andrews government this morning to invest in the infrastructure

that we need to support the increase in traffic and activity in and around Benalla as a result of the Lima South precast concrete plant. Williams Road, which connects the Midland Highway to the Lima South Quarry, will be seeing 140 trucks travelling up and down every day, and local residents are already feeling the wear and tear as a consequence of that. There are also significant concerns about the safety of the intersection of the Midland Highway and Williams Road and the intersection of Murrays Road and the Yarrowonga road closer to the plant. The government also needs to do everything it can to ensure that those jobs are filled locally, and there is some concern at the moment that that is not happening.

### **Ray Cronin**

**Ms RYAN** — I am delighted this morning to offer my congratulations to Ray Cronin of Mangalore, who was recently awarded the Col Pay Award for a Lifetime of Service to General Aviation. Ray started flying in 1976 and is a very well respected member of Australia's helicopter industry and a much-loved member of the Mangalore community. Ray has been chief flying instructor and managing director of Kestrel Aviation, based at Mangalore Airport in my electorate, for more than 30 years. He and his wife, Eleanor, are active and generous members of our community, and this award is extremely well deserved.

### **Euroa electorate roadside vegetation**

**Ms RYAN** — I am also calling on the government to manage roadside vegetation along major roads, which farmers, motorists and landholders in my electorate are very concerned about.

### **Bob Pearman**

**Mr NOONAN** (Williamstown) (09:45) — I rise today to pay tribute to one of Williamstown's most loyal and committed servants, Bob Pearman, who last week passed away peacefully in his sleep. Most of Williamstown would be familiar with Bob's smiling presence at local sporting events, but what many would be unfamiliar with are the decades of dedication Bob poured into his beloved community.

Bob was a proud member of the Williamstown Football Club for almost half a century. A fiercely loyal clubman, Bob laced up the boots and played wherever his club needed him, and his voluntary roles included team manager, club secretary, board member and committee member. His dedication to the club saw him immortalised as a life member.

Bob was also a strong supporter of our local veterans community, acting as an office-bearer for the Williamstown RSL. It was in this capacity that I had the great pleasure of getting to know Bob personally. After the Williamstown RSL was forced to close its doors, Bob was among a core group of people who rallied together to ensure that a dawn service continued to occur on Anzac Day.

Until his passing, Bob had been an active member in a very small steering group that was working to revive an RSL presence in Williamstown, and I was proud to work with him in this capacity. Above all, Bob was a friendly, loyal and decent man. As much as anyone could, Bob loved his community, and his community certainly loved him. Vale, Bob Pearman.

### **Brighton electorate traffic management**

**Ms ASHER** (Brighton) (09:46) — I wish to draw to the house's attention the increasing negative impact of housing development construction on the general public. In Brighton streets and sections of streets are completely blocked off to enable vehicles used by private construction companies to do what they want to do. I clearly support the private sector — I am a member of the Liberal Party; private enterprise makes the world go around — but in previous times private construction companies bore the cost of their own construction and would wait for the streets to be clear of traffic before entering. Now it is the general public who are bearing the cost of construction by being slowed down, diverted or completely blocked off. This is not just for a one-off concrete pour, which I think the public would understand; this is ongoing daily blockage of roads, inconveniencing the public on an ongoing basis. Councils should not be giving permits to allow it, and it should be stopped.

### **Solar homes package**

**Ms ASHER** — I want to make reference to a recent government announcement I saw in a newspaper regarding the government's intention to protect solar panels from an encroachment of sunlight. It strikes me as very odd that the government will allow construction right up to the fence line so human beings lose their sunlight, but they will protect solar panels. We are living in a world where solar panels have more rights to sunlight than humans do.

### **2018 Macedon Ranges Youth Awards**

**Ms THOMAS** (Macedon) (09:48) — Congratulations to Kyneton firefighter Jessica Cockerill-Wright on taking out the community

leadership award at the 2018 Macedon Ranges Youth Awards. A bushfire that threatened her house as a child inspired Jess to join the Kyneton fire brigade in 2008 as a junior, where she has worked her way through the ranks. This year Jess became the Kyneton fire brigade's first female officer in its 134-year history, being promoted to lieutenant after 10 years of service with the brigade and the most highly ranked of Kyneton's 13 female members. Jess is a high achiever, having previously been named the 4th Year Apprenticeship Electrician of the Year at Bendigo TAFE.

Congratulations to Romsey's Janelle Spinks for collecting the award for individual academic excellence. Janelle graduated from Kyneton Secondary College in 2017 with an Australian tertiary admission rank (ATAR) score of 94 and numerous outstanding excellence awards, before being accepted into a bachelor of science degree at Melbourne University. Another outstanding female role model, Janelle is now an inspiring mentor to countless students within the traditionally male-dominated field of science.

Congratulations to the other award winners: Ties Urie, Shaylyn Blyth, Jackson O'Neill, Hayden Muir, Shannon Dawson, Alex Hanlon, Tamika Stanley, Kyle Stores, the Cowboys and Angels Dance Academy, Kenny and Mitch, the Kyneton community soup kitchen and the Gisborne Secondary College year 7 girls netball team.

### **Maddy Stewart**

**Ms THOMAS** — Congratulations to champion netballer Maddy Stewart on winning the Bendigo netball league's best and fairest award, the Betty Thompson Medal, and all the best to you and the Gisborne team in the grand final against Sandhurst this Saturday. Go Bulldogs!

### **Vermont Primary School**

**Mr ANGUS** (Forest Hill) (09:50) — Last Friday I was delighted to be joined by the Leader of the Parliamentary Liberal Party at Vermont Primary School to announce that an elected Guy government will commit \$4.8 million towards the much-needed rebuilding of the central administrative and classroom buildings at the school. At the 2014 state election the previous Liberal government committed \$4.5 million in funding for this high-achieving school. In 2015 the newly elected Andrews Labor government refused to honour that commitment, and students and staff have had to put up with deteriorating facilities.

### Orchard Grove Primary School

**Mr ANGUS** — Recently I had the great pleasure, together with the shadow Minister for Education, of attending Orchard Grove Primary School to announce that a Matthew Guy-led Liberal-Nationals government will commit \$2.3 million to upgrade staff and administrative facilities at the school, as well as improve the toilet facilities for students and staff. Despite my having raised this issue with the Minister for Education in Parliament on several occasions and petitioning for the infrastructure improvements, the Andrews Labor government has not addressed the needs of the school.

### Bronwyn Fooks

**Mr ANGUS** — I was delighted to attend a morning tea at Benwerrin Kindergarten recently to celebrate the amazing milestone of 30 years service for kinder teacher Bronwyn Fooks. It was a great celebration, and I congratulate and thank Bronwyn for her outstanding service, during which time she has taught an estimated 2000 children.

### The Avenue Neighbourhood House

**Mr ANGUS** — I was delighted to attend the 35th anniversary celebrations for The Avenue Neighbourhood House at Eley last week. Congratulations to everyone involved in the house over that time.

### Eastmont Preschool

**Mr ANGUS** — I was delighted to attend the 50th anniversary celebrations for Eastmont Preschool on the weekend. Congratulations to everyone involved in the preschool over that time.

### St James Primary School, Vermont

**Mr ANGUS** — I was pleased to attend the St James Primary School art show recently. The art on display was outstanding, and I congratulate the students on their work and the teachers involved in organising this tremendous event. I also congratulate the school choir on its excellent performance at the official opening.

### Hazel Glen College

**Ms GREEN** (Yan Yean) (09:51) — Last week I got to be a guest judge at the Hazel Glen College junior school house performing arts day, together with founding principal, now retired, Daryl ‘Furzy’ Furze and acting school principal Anthony Stockwell. The junior school has over 1100 students, and each and

every one of those students from prep to grade 4 was involved in an outstanding day of music, fun and frivolity.

The houses competing were Chang House, Beachley House, Goodes House, Stynes House, McGrath House and Wood House. Each of the houses covered a decade of music, either the 1950s, 60s, 70s, 80s, 90s or 2000s. The overall winner was Goodes House, which did a fabulous performance from the 70s. Every student participated, and it was outstanding. Each of the houses had staff participation, but my outstanding favourite was Anthony Palazzolo for Goodes House. He was dressed as a mirror ball — an outstanding effort. Best costume design went to Goodes House, best props to Beachley House, best hair and make-up to Stynes House, and best teacher performance to Beachley. Thank you to Anthea Jamieson, the junior school principal, and Jarrod McGough, who organised such a great event.

### Mernda Central College

**Ms GREEN** — Last week I also attended Mernda Central College for R U OK? Day. This is an outstanding school that is looking out for the mental health and wellbeing of all its students, especially LGBTIQ students, and I urge those opposite to —

**The SPEAKER** — The member for Northcote.

### Northcote electorate

**Ms THORPE** (Northcote) (09:53) — In this final week of the 58th Parliament of Victoria I want to take the opportunity to thank the people of Northcote for putting their trust in me as their local member. With this privilege I have worked hard to represent our values and stand up for the issues that matter. We have had highs and lows. I was disgusted by the so-called progressive Labor government’s introduction of mandatory sentencing and racially vilifying ‘tough on crime’ laws — so regressive. I also found it really tough as an Aboriginal person to be in the chamber while MPs from both major parties voted against recognising Aboriginal sovereignty in the treaty legislation.

But I am honoured that I have had the chance to use this platform to support residents and grassroots communities to organise and have their voices heard on local issues such as school underfunding, poor planning, the public housing sell-off, proper sports facilities for women, renters rights and lack of community consultation on transport projects.

I am also so grateful that I have been able to have Aboriginal voices amplified on crucial issues, including

treaty, where elders are finally being heard; compensation to the stolen generation, where survivors are again finding the strength to speak out; and on child removals, where I am supporting grandmas to organise to change the system. I am proud to have achieved these things, and I am determined to continue this work in the next Parliament.

### Felicitations

**Mr J. BULL** (Sunbury) (09:54) — We are a government that gets things done. We are a government that puts people first and delivers for all Victorians, but none of those many significant announcements and achievements over the past four years would have been possible without the hard work of so many. I would like to take this opportunity to acknowledge the incredible leadership of the Premier, the Deputy Premier, the Leader of the House in this house and the Leader of the Government in the other place, cabinet ministers, caucus colleagues, ministerial and Premier's staff, as well as electorate office staff right across the state.

I would also like to thank Jarrod, Adam, Mik, Jules and Almendra from my office, who have worked very hard over the past four years, and the team at headquarters: Sam, Kos, Stephen, Nicola, Kareem, Simon and Jas. I would also like to acknowledge the countless supporters and volunteers, including Brad, Spiro, Cheryl, Sharon, Peter, Doug, Jordan, Andrew, Shannon, Matt, Matthew, Lachlan, Sam, Kylie, Ryan, Justin, Paul, Tim, Ross, Peter H., Josh, Ann, Catherine, Phil, Peter J. and so many more. Without the work that all of these supporters have done in our local community, none of the significant announcements and achievements would have been possible.

I would also like to thank everybody in this house who makes the Parliament tick: Hansard, the clerks, the attendants, catering and library staff, and security. I would also like to thank my family and friends for their wonderful support over the past four years. Mum and Dad, you are both an inspiration to me. And Jas, thank you for being there every step of the way.

### Labor-Greens coalition

**Mr McCURDY** (Ovens Valley) (09:56) — As the 58th Parliament draws to a close I request the Premier tell the Parliament if he plans to go into a coalition with the Greens party should he not win enough seats in the lower house to form government. Victorians should be reminded that the Premier looked down the barrel of the camera on the eve of the last election and promised Victorians that there would be no new taxes, and he has broken that promise and deceived Victorians. So I ask

the Premier: will he or will he not negotiate government with the Greens? If the answer is no, will he commit this position to paper as a legal binding contract? Victorians can never trust Labor again after the deceit that has taken place under this corrupt government, and I request the Premier to commit to his decision in writing.

### Ovens Valley electorate football and netball clubs

**Mr McCURDY** — Congratulations to all football and netball clubs in the Ovens Valley electorate as the 2018 season draws to an end. Some made finals, some did not, but the main thing is that our volunteers, sports heroes and everyday mums and dads and local people have worked tirelessly to ensure that we continue to have local sport in our larger and smaller regional communities. I particularly want to congratulate the new inductees to the Ovens & King Football Netball League hall of fame and life members.

### Ovens Valley electorate

**Mr McCURDY** — The Ovens Valley region will thrive if the Liberal-Nationals form government at the upcoming election. My commitments to our towns and communities include Yarrowonga Health, Wangaratta High School and community sporting needs, a new Country Fire Authority station in Myrtleford, soccer clubrooms in Cobram and a whole host of other announcements to support the scouting movement, and there will be more to come. Labor has thumbed its nose at regional Victoria, unless of course you live in Bendigo, Ballarat or Geelong. The rest of Victoria wants its fair share and will only get that from a Liberal-Nationals government, not a Labor-Greens government — #LaborMustGo.

### Rugby League centre of excellence

**Mr McGUIRE** (Broadmeadows) (09:57) — Melbourne Storm's field of dreams is Broadmeadows. Under a landmark deal the Andrews Labor government will invest \$12 million to build a Rugby League centre of excellence in a community that loves its league and has already produced a star for Melbourne Storm. The centre will include new playing fields, high-performance facilities and an administrative base for National Rugby League (NRL) Victoria. It will provide Victoria with a new hub for Rugby League programs and a venue for training and camps at a national and state level.

I also want to congratulate the federal Labor leader, Bill Shorten, who this week announced a further commitment of \$1.1 million to this centre. It is because

Rugby League in Victoria has experienced enormous growth over the past decade, with participation rates increasing by more than 300 per cent. This investment by hopefully a federal Labor government will also help the women's facilities because this has prevented them from bidding for an NRL women's licence this season. This facility will remove that roadblock.

This comes at a great time. I wish Melbourne Storm all the best in their attempts to win another championship — a fitting farewell to one of the game's all-time greats, Billy Slater. I also look forward to the captain, Cameron Smith — who has already travelled through schools in Broadmeadows with me — again being out there inspiring the next generation of boys and girls to be the best players and world champions in the field of dreams in Broadmeadows.

### **Tallangatta and district football and netball finals**

**Mr TILLEY** (Benambra) (09:59) — September in Benambra district is finals time. Last Saturday took me to Sandy Creek for the Tallangatta and district footy and netball deciders. Four grades of footy and six grades of netball saw a spread of winners — from Yackandandah in the under-13s netball to the Wahgunyah Lions in the junior football. In A-grade netball Tallangatta levelled the scores with just 6 seconds to go and then drew away in extra time to beat Kiewa Sandy Creek. There was some consolation for the Hawks in the footy: they dominated to win by more than six goals. As good as the games were, it is the crowd that impresses me every year, with huge numbers all around the boundary.

There were also big turnouts at soccer and hockey finals. Wodonga Diamonds and Twin City took cup titles in the Albury-Wodonga Football Association, but Wodonga had a lean time at the hockey, beaten in three finals, while the Corowa-Rutherglen United side won division 2 and the under-16 boys. It was a great celebration of grassroots sport.

It also reminds me of the inequity in this government's approach to sport. This rorting Labor government gifted a quarter of a billion dollars to the AFL for a ballroom but asks community sporting clubs to take out a loan. That will not happen under a government led by the Leader of the Opposition.

### **Geelong electorate office opening**

**Ms COUZENS** (Geelong) (10:00) — I want to thank my community of Geelong, the Premier, Corrina Eccles, Norm Stanley and the Deadly Dancers for their

participation in my official office opening on Friday evening. Over 150 people came along and had the privilege of watching the significance of the smoking ceremony, the welcome to country and traditional dance. I was honoured to have them share their culture with all of us on the night. My new office is now officially open.

### **Carbon Revolution**

**Ms COUZENS** — Last Friday I had the pleasure of joining the Premier and the Minister for Industry and Employment at Carbon Revolution in Waurn Ponds to announce the company's \$100 million expansion, which will create 500 new jobs and cement Victoria as a manufacturing powerhouse. The project will almost triple Carbon Revolution's existing workforce and increase production capacity from 10 000 to more than 150 000 wheels a year. Carbon Revolution manufactures one-piece carbon fibre wheels, which are lighter, reduce noise and vibration and improve acceleration compared to metal wheels. The company is the first manufacturer in the world of a commercialised one-piece carbon fibre wheel, and its new facility will allow it to scale up production to meet global demand, including supplying wheels for Ferrari.

The Premier also used the visit to launch the Labor government's new Made in Victoria campaign, which will promote Victoria's manufacturing industry and urge Victorians to buy locally made to support local jobs. This is a massive vote of confidence in Geelong. These are high-tech, secure jobs that will help the local economy continue to prosper.

### **East-west link**

**Mr WATT** (Burwood) (10:01) — Recently we passed the fourth anniversary of the most expensive lie in history. Four years ago the Premier relied on so-called high-level legal advice regarding the east-west link contract. He claimed the east-west link contract was not worth the paper it was written on. That cost Victorian taxpayers \$1.3 billion, the most expensive lie in Victoria's history. Only a Liberal government will build both the east-west link and the north-east link to get Victoria moving.

### **Parkhill Primary School**

**Mr WATT** — It was great to attend the Parkhill Primary School concert *The Little School on the Hill*. I am proud to have played a part in the true story of the school rebuild that inspired the performance. Thanks to the member for Nepean, who assisted with the



commitment of funding for this project. Wonderful kids, a wonderful concert, a wonderful school.

### **Democratic government**

**Mr WATT** — Sometimes we forget that in many other countries governments are not able to be changed by people or a change of government can lead to disaster for their populations. Sometimes individuals' differences of opinion are not even able to be openly expressed. Sir Robert Menzies stated in 1940:

In a democratic country there is no source of power which equals the popular will, and there is no leadership so effective as that which has the express backing of a popular majority.

As a participant in our democratic process I can attest to these words, and at the same time I also can attest to the vibrancy and success of our democratic system of government. That we can come together and fully debate issues which we are passionate about without resorting to repression or violence is a reflection of the health of our political system.

### **Bentleigh electorate**

**Mr STAIKOS** (Bentleigh) (10:03) — As this is the final sitting week before the election, I wanted to take this opportunity to reflect on some of the significant achievements in the Bentleigh electorate over the last four years. We removed level crossings at Bentleigh, McKinnon and Ormond and rebuilt the stations. We invested more than \$60 million in upgrading schools in the electorate, and we will build a second campus for McKinnon Secondary College. We have made massive investments in local sport. There are too many different individual projects to list, but we are particularly focused on making sure that our sports facilities can accommodate female participation — and we are proud of it.

We expanded the Moorabbin Hospital to be able to care for an extra 50 000 patients each and every year. We built Southland station and have funded a new 627 bus route, due to start in 2019. We are building a much-needed hydrotherapy pool for local people who need it, to be located at Moorabbin Reserve, the home of St Kilda Football Club — and we also brought the Saints back to Moorabbin. We have introduced mandatory height limits in Bentleigh. We have rebuilt Holmesglen TAFE Moorabbin and invested heavily in skills.

I want to take this opportunity to thank my staff for their hard work in serving the people of Bentleigh — Robyn Dale, Edward Broadbent, Tobi Rosengarten and

Pam Cupples — and also to wish all retiring members all the very best for the future.

### **Public land use**

**Ms STALEY** (Ripon) (10:04) — Last Sunday I attended the Prospectors and Miners Association of Victoria's annual general meeting in Beaufort. Despite repeated requests from that group, neither the Labor candidate nor the Greens candidate for Ripon was there. It is clear that the Pyrenees community does not support the establishment of either the Pyrenees national park or the Mount Buangor national park, which are recommended in the draft Victorian Environmental Assessment Council report. This is because of their impact on local bush users. The Liberal-Nationals do not support the creation of these two parks given the view of the community. It is imperative that any investigation to change the management of Crown land appropriately considers the economic and social impacts on the local community. These impacts need to be considered in addition to the cultural and environmental values of public land.

In respect of that report, what we have got recommended is a reduction from 33 000 to 10 000 hectares of state forest. That is a 68 per cent reduction that would remove hunting, forestry, dog walking, prospecting and some horseriding, and it would restrict apiculture. These are core activities for so many people who live around the Pyrenees region and who visit the Pyrenees region. In fact they are a core part of the economy there.

### **Victorian Multicultural Awards for Excellence**

**Ms GRALEY** (Narre Warren South) (10:06) — Melbourne truly is a city of migrants, with some 2 million living in our city and millions more who are of course the children of migrants. It is a story that many Victorians share. I myself am a descendent of migrants who came to this country from Mauritius seeking a better life for their family.

Magor Hailu, a man from my electorate, knows this story all too well. He faced years of abuse in his home country of Eritrea and faced even worse conditions after fleeing to a refugee camp in Ethiopia where he received multiple death threats. Thankfully I was able to help Magor secure a visa that would allow him to move to Australia and ensure that his future children will have a better life. After Magor had moved here I received a card from him informing me that he had found a job, bought a car and was finishing his certificate IV in disability. I was so glad to see that he

was finally safe and happy and was making the most of his new life. He was grateful.

I was very fortunate to be able to attend the 2018 Victorian Multicultural Awards for Excellence last week and was very impressed by the hard work and achievements of all who ensure our state remains welcoming to newcomers, and inclusive and harmonious for all. Victoria is widely known for its successful brand of multiculturalism and how it is commonplace in our lives. But this does not happen on its own; it takes the commitment and collective goodwill of many.

Congratulations to our local recipients: Naureen Choudhry for her dedication to intercultural and interfaith understanding; Nurten Kim Hasan for her work as president of the Hampton Park Turkish seniors group — I also make a special mention of Nurten's husband, Geoff; and to the Australian Hazara Women's Friendship Network for its work towards integrating Hazara women into the Australian community through English literacy and life administration programs. To all newcomers to Victoria, I say welcome — wominjeka.

### **Bass electorate**

**Mr PAYNTER** (Bass) (10:07) — It has been my honour to serve as the member for Bass over the past four years, and I am hoping to get the opportunity to serve the good people of Bass for another four years after the election on 24 November. I have been advocating strongly and delivering big projects such as the Wonthaggi Hospital, the new secondary school and basketball courts at Wonthaggi, the duplication of Pakenham–Koo Wee Rup Road, roundabouts at Woolamai Beach Road and the road to Smiths Beach, traffic lights in Wonthaggi and for John Henry secondary school and getting a commitment for the duplication of the McGregor Road level crossing, new ramps for the Princes Freeway, new police and Country Fire Authority stations at Clyde North, the removal of the roundabout at the intersection of Bald Hill and Racecourse roads in Pakenham and the Clyde railway line extension.

Equally it has been the smaller projects that have been so important to local people that have made this job so rewarding to me and have meant so much, such as helping Walter at Wonthaggi recycling get his licence reinstated, getting the school speed zone reduced outside Bass Valley Primary School, getting a new surf lifesaving tower at Smiths Beach, getting a new men's shed at Inverloch, getting the multimedia screens replaced at Koo Wee Rup Primary School, helping the Sikh community in Pakenham find a new home and

getting the Parliament White Ribbon accredited. I have enjoyed every moment in this privileged position, and I look forward to continuing in the role.

### **Felicitations**

**Mr PEARSON** (Essendon) (10:09) — It is an absolute joy to be here on the penultimate sitting day of the 58th Parliament. It is wonderful to be here on the Treasury bench side as a member of the Andrews Labor government, delivering good, progressive government to the state of Victoria.

### **STATEMENTS ON REPORTS**

#### **Public Accounts and Estimates Committee: budget estimates 2018–19 and end-of-term report**

**Mr MORRIS** (Mornington) (10:09) — I rise this morning to make some comments on the budget estimates 2018–19 report from the Public Accounts and Estimates Committee, which was tabled yesterday, and with the chair's indulgence, some comments on the end-of-term report, which was also tabled yesterday. With regard to the estimates report, it contained 21 recommendations. While I accept that committee recommendations are not top of mind for most members at this point in the parliamentary cycle, I do commend them to the members of the next Parliament.

There is also a minority report that I want to refer to in more depth. As members are aware, the Andrews government failed to meet its election commitment to introduce a Senate-style estimates process. The committee, however, did change the manner of questioning from strict rotation to blocks of time, but that change in questioning pattern was not accompanied by a change to time limits because of the constraints on the committee timetable. Senate hearings are conducted without time limitations and that provides a significant advantage, because ministers or senior public servants do not have the opportunity to filibuster or run down the clock without actually answering the questions or providing the information sought. In this year's hearings there were numerous examples of that tactic being applied. While I do not advocate a significant expansion to the scale of the Senate estimates in terms of time — that is not warranted — it would be helpful to have more flexibility around this.

Another issue around time limits is that they provide an opportunity for some members to run down the clock by raising frivolous points of order or by interjecting loudly in an attempt to disrupt hearings, thereby requiring the chair to interrupt witnesses in order to

regain control of the hearing. Those tactics do raise the level of aggression in the room, and they also diminish the opportunity for the committee to undertake its work effectively. The application of the Assembly standing orders does not enable those issues to be addressed. I know from my experience on both sides of the chair that they just do not allow those issues to be addressed, so I think consideration should be given to developing a separate set of standing orders for public hearings of parliamentary committees. These are known issues, and I am sure they could be dealt with effectively.

Another matter I want to raise with regard to the estimates relates to responses to questions on notice. Most ministers endeavoured to provide the information that they promised at the hearings. Some did not provide full information, but when they were asked to be more fulsome, they did so. The Minister for Regional Development, however, was asked to provide an estimate of grant funding unallocated as at 30 June 2018. The minister responded that the grants allocated would be outlined in Regional Development Victoria's (RDV) annual report. That level of detail has not been provided in the past in RDV's annual report, and in any case the annual report is published months after the committee has concluded its work. I think it is important that the committee is able to undertake its duties unencumbered and that the level of scrutiny required by the Parliament is achieved. I would advocate for some change in that area as well.

With regard to the general work of the committee, it held 201 public hearings and 73 committee hearings. There is no accounting for hours, and I do not really want to see the figure; it would be frightening. Sixteen reports were tabled, including the outcomes reports. Of course I have spoken before about the public hearings with regard to those, and I commend a continuation of those public hearings for future committees.

In addition to the usual work, the committee made recommendations for the appointment of an Auditor-General, which was unanticipated, and an inaugural Parliamentary Budget Officer (PBO). I congratulate Andrew Greaves on the work he has done with the Victorian Auditor-General's Office. He had a big task, and I think he has acquitted it exceptionally well. With regard to the PBO, that is a contested space, but I want to acknowledge Anthony Close. I think he has vindicated the choice of the committee, and I certainly wish him well.

There was also a significant change to the manner in which the committee secretariat operates. It is very different now to that which existed at the start of the term, and I congratulate Dr Caroline Williams on the

work she has done. It is very much now a fit-for-purpose secretariat, and I want to acknowledge that. I also acknowledge Phil Mithen, a former Clerk of this house, who stepped up as acting executive officer and acquitted himself exceptionally well.

In the remaining time I have available I acknowledge the other members of the committee from both sides of the house. It is, as I said, a contested space. It can be fairly aggressive, but despite the theatrics of the estimates hearings, we have managed to discharge our duties as effectively as the Parliament would want. I particularly acknowledge the chair of the committee for the manner in which he has conducted the hearings.

### **Public Accounts and Estimates Committee: budget estimates 2018–19 and end-of-term report**

**Mr PEARSON** (Essendon) (10:14) — I too rise to speak on the *Report on the 2018–19 Budget Estimates* and also on the end-of-term report for the 58th Parliament. I think the member for Mornington and I will agree on some things and disagree on other things in terms of the reforms that have been instituted in budget estimates.

Certainly I think the way in which estimates hearings are conducted with the introduction of an allotment of time for the taking of evidence is a vast improvement on what was previously the case. I would disagree with the member for Mornington: I would say that this acquits our election commitment. I note the member's indication that in the case of Senate estimates hearings there are no time limits, and that is indeed correct. What I would say in response to the member for Mornington, however, is that this year we had, I think, just shy of 60 hours of hearings, or thereabouts. The size of the Victorian budget is about one-tenth of the size of the commonwealth budget, so if you think about this in a proportional sense, we have got 60 hours of hearings to scrutinise our budget. If you were to have a similar level of scrutiny applied to the commonwealth budget, you would be looking at 600 hours. I do not know how long their hearings go in Senate estimates, but I do not think it would be 600 hours. So I would say that in a proportional sense it is certainly the case that there is more scrutiny in a dollar sense here than federally.

I take the point the member made about points of order. This is not a reflection on the member for Mornington, because despite the member for Mornington and I disagreeing from time to time, there is no doubt that he is a very hardworking member. He always comes to committee hearings well prepared, and the thing about the member for Mornington, I have learned, is that he

has got the capacity to think on his feet and he has got the capacity to ask a series of questions and prosecute a line of questioning. I think if you look at the transcripts, the number of times where points of order were raised against the member for Mornington and were sustained was quite small.

That is not always the case with other members of the opposition. There were certainly other members of the opposition who were not particularly well prepared for hearings, who are not particularly quick on their feet, who are not able to respond to a line of questioning and who are not able to really prosecute a line of thought and reasoning. That would be my observation as the chair of the committee. Obviously where you have instances where members are doggedly pursuing a line of inquiry in a way that is not particularly nuanced or sophisticated — again, I make the point that this is not the case for the member for Mornington — then invariably points of order will be raised and they will be sustained. I guess if you want to be a member of the Public Accounts and Estimates Committee, if you want to participate in estimates hearings, you have got to bring your A game for every hearing. It would be my observation that over the course of the 58th Parliament that was not always the case for members of the opposition.

In the brief time I have got left, members will note that the *Report on the 2018–19 Budget Estimates* is a slimmed down version of previous reports. That is partly because of time. We had to try and get this report tabled because of the upcoming proroguing of Parliament. I think I would make a few observations. What this report demonstrates is that over the course of the last four years the state Labor government has had a very firm handle on the economic tiller of the state. You have got strong revenue, you have got appropriate levels of expenditure and you have got solid levels of investment occurring in a capital sense, which is providing the level of confidence for the private sector to come to Victoria and to invest in major projects. What you see from that is unemployment trending down, gross state product increasing significantly and the economy trekking along extremely well. Again, I think this demonstrates that you have had very strong economic stewardship, not only under this Labor government but under the previous Labor government. Indeed I think the last time a Labor Treasurer in the state of Victoria presided over a budget deficit it would have been Tony Sheehan in 1991–92. I think this report demonstrates the strength of the economy and the very strong handling of the economy by the state government. It is a beautiful set of numbers, and I commend the report.

### **Economic, Education, Jobs and Skills Committee: career advice activities in Victorian schools**

**Mr CRISP** (Mildura) (10:19) — I rise to make a contribution on the *Inquiry into Career Advice Activities in Victorian Schools* report. The inquiry took evidence in Mildura, and that evidence in Mildura was very much based on the Victorian skills commissioner's report into Mildura. The background to that report is that the task force estimated the future workforce demand for Mildura to be between 2900 and 4400 new workers from 2017 to 2020. That is both to support growth and replace anticipated retirements. The growth in the sector will be in horticulture and some other areas: agriculture; hospitality and tourism; construction; manufacturing; transport, logistics and automotive; the retail trade; health care and social assistance.

There is also some very good data around from our schools, because we know the enrolments and we know the post-secondary school destinations of our students. We know about the school leavers in the Mildura region, and I thank the Northern Mallee Local Learning and Employment Network (LLEN), particularly Ron Broadhead, for their work in this area. We know the numbers of years 10, 11 and 12 students in the system, and we know where they are likely to go in our region. These are 15-year-old to 19-year-old students, and there are about 3500 of them in the system. We know that 46 per cent of them go to university, 5 per cent go to certificate 4 courses and above and 10 per cent will go into apprenticeships. In all, that still leaves us with a shortfall of around 1300 people for those 2900 to 4400 jobs. Since the report in 2016, there have been other opportunities that have arisen in the economy.

What we do know about our economy is where those opportunities need to be. There has been a lot of discussion around that, and it is supported by recommendation 18 from the report. I will read that into *Hansard*, because I think it is extremely important for the Mildura region:

That the Department of Education and Training fund each local learning and employment network to employ a secondary school career development coordinator to:

support all young people aged 12–21 within the network's catchment ...

provide add-on support to career practitioners ...

deliver career development workshops ...

coordinate industry, employers, higher education providers and schools to run presentations and taster and immersion days for local secondary students ...

I think this is very important. There are others, but what we need to do — and this is what recommendation 18 is about — is widen the view of careers development coordinators in our schools. There are huge changes in Mildura's agricultural economy and other areas in the Mildura economy, and there are opportunities that may not be visible to the schools in an insulated environment, where an academic environment is having to look very deeply into the local economy. The LLENs are extremely well connected in my electorate to view that local economy. We can make a difference for these students and for their continuing strength in our local economy.

Another area that was raised during the inquiry has also received some support. Caitlyn Morgan from the *Sunraysia Daily* wrote an article based on the committee's visit to Mildura. Local tradesmen came forward to say that they were already feeling the shortage in the Mildura region and that they want to find the tradespeople they need to drive the economy, and some of those new skills may not be visible to the schools.

This is an important report. I know it comes at the sunset of this Parliament, but I think there is still time to act, in particular on recommendation 18, so that we can make the opportunities visible to those school students, so that they can see the careers that are on offer in their local community and they can make decisions about what their passions are and how they can best pursue those passions within our education system. For 46 per cent of our young people, that is going to uni. For the 54 per cent left, there are wonderful options out there that I think are not visible enough to them. Recommendation 18 should be supported.

### **Public Accounts and Estimates Committee: budget estimates 2017–18**

**Mr McGUIRE** (Broadmeadows) (10:24) — I refer to the Public Accounts and Estimates Committee's inquiry into the budget estimates and particularly to the contribution by the Minister for Industry and Employment, who referred to how working in collaboration presents an opportunity to drive strategic results. I want to continue my contribution on how this can best be achieved and how we can get these results in the public interest and in the national interest, not just within the Victorian government but also in collaboration with the Australian government, because there are some issues of national significance, like terrorism, that we need to address with this united approach.

I want to also connect that to the launch of the 2018–21 counterterrorism strategy, which focuses on early prevention as a key focus for Victoria Police in the fight against terrorism. I think this is really important. It goes to some of the themes that I have raised previously in the Parliament, including the delivery of early intervention programs, support for community rehabilitation and reintegration programs, continued engagement with industry, government and international partners, and the maintenance of strong intelligence collection and investigative capabilities. I want to draw these down into my electorate of Broadmeadows and the opportunity that that provides. I am looking for a unity ticket with the Australian government on how we address this.

The proposal that I will be sending to the federal Minister for Home Affairs relates to an occasion when Tony Abbott was Prime Minister of Australia and he had a photo opportunity with the Australian Security Intelligence Organisation where they highlighted the terrorist recruitment hotspots. The media focused in, and one of the hotspots was Campbellfield. Of course that is where the Ford Motor Company was, and this was before Ford closed. I have asked the Australian government what they are actually doing for these communities. How are we connecting the disconnected, how are we providing jobs, what are the opportunities to be part of the Australian community and not feel isolated and marginalised? I tracked down an unspent \$1.324 billion in the automotive transformation scheme, but could not get the Australian government to reinvest one dollar out of that into this community which had been identified in this way. I will continue to push for a reconsideration of what the partnerships are for jobs and growth where they are needed most, which the federal government should be delivering for these communities.

The other proposition that I will be raising with the Minister for Home Affairs is that under his portfolio there was a budget allocation for Broadmeadows. It did get a mention. There was \$25 million to build a hardened detention centre for convicted paedophiles, drug traffickers and members of outlaw biker gangs. Where were they going to put this? Right in the complex of the Maygar Barracks. My argument is that there is an administrative way in which we can address this. I have put that in a submission to the Australian government. We do not need to do that. A much better investment in the national interest, in the public interest and for counterterrorism would be to look at the barracks as a base for the Special Air Service Regiment. Why don't we place them in the Maygar Barracks and have it as a strategically placed location that would be of significance? We could coordinate that with the Victoria Police and the Victorian government

and say: this is a much higher and better use of that land and its strategic location not far from our curfew-free international airport. It has got CSL across the road, which is where we make our life-saving blood products and exports. I think it would have a really good effect and impact in this community. That is one part of it.

The second part of it could also be to look at what we do for returning servicemen and servicewomen from the war in Iraq and the slaughter in Syria. There is obviously a huge issue with post-traumatic stress and how those people reconnect back into the Australian community. You can have a centre there as well — a wellness centre or a centre to help people who have served Australia so gallantly in these wars. Why would that be appropriate? It would be appropriate because the Maygar Barracks was where the diggers, the light horseman and the Victoria Cross winners were trained and dispatched to fight at Gallipoli and on the Western Front a century ago. This is the history and heritage of the area. Today it is where we still have the centre for taking care of logistics for natural disasters, including the Black Saturday bushfires. I think this is a really wonderful opportunity to have a coordinated strategy and to deliver in the best interests of the public.

### **Independent Broad-Based Anti-Corruption Commission Committee: external oversight of police corruption and misconduct in Victoria**

**Mr WELLS** (Rowville) (10:29) — I would like to speak on the IBAC committee's report into the external oversight of police corruption and misconduct in Victoria. As chair of the Independent Broad-based Anti-Corruption Commission Committee, I am pleased to speak on its sixth report, *Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria*. The IBAC committee was established in 2012 and has the responsibility of monitoring and reviewing the performance of IBAC and the Victorian Inspectorate. IBAC has the principal responsibility for the external oversight of Victoria Police, including its handling and investigation of complaints about police. IBAC can also handle and investigate complaints about Victoria Police itself.

The job of a police officer, as we would all say in this house, is a demanding one. They are called on to make split-second decisions in complex, stressful and dangerous circumstances. In order to do their jobs effectively they are given distinctive powers to arrest, detain, search and use force against individuals. While the use of these powers is strictly governed by the law, and the majority of officers do an incredible job, the maintenance of public confidence in police depends significantly on how officers who do the wrong thing

are then held to account. That is why an effective system for handling complaints, including whistleblower complaints, about the police is absolutely vital.

At the start of 2016 the committee identified in its report, *Strengthening Victoria's Key Anti-corruption Agencies*, which was tabled in Parliament, that there were concerns amongst some stakeholders over the impartiality and effectiveness of the current police complaints handling and oversight system in Victoria. The main complaints around this included that IBAC was not investigating a sufficient number of complaints about police and was referring the vast majority of complaints back to Victoria Police to investigate. This was of concern. When you look at the figures, only about 2 per cent of all complaints about police were being investigated by IBAC itself, and the rest were being referred back to Victoria Police. The complaints referred back included cases of serious police misconduct. IBAC was not formally receiving and reviewing all complaints, so there was a risk that serious misconduct was being classified as merely a customer service matter. Some stakeholders called for the creation of an entirely new body to receive, handle and investigate all complaints along the lines of the Police Ombudsman for Northern Ireland, which is shortened to PONI. In light of these and other concerns, the committee determined to self-reference an inquiry into the external oversight of police corruption and misconduct in Victoria. The last significant inquiry into the police complaints systems, the Beach inquiry, published its report more than 40 years ago.

In its work, the committee carried out wideranging research into Australian and international inquiries to identify the key themes and lessons. It examined a range of best practice models, including some from the USA, Canada and Northern Ireland. The committee found that Victoria's mixed civilian review system — in which IBAC and Victoria Police share responsibilities for receiving, handling and investigating complaints — is a robust one that can, with significant improvement, meet best practice principles. Therefore, the committee did not recommend the creation of a new body to exclusively handle and investigate complaints along the lines of PONI. Both Victoria Police and IBAC should retain important roles within the system. However, the committee found that, if the Victorian system is to meet best practice principles, 69 recommendations to improve transparency, impartiality, effectiveness and efficiency should be implemented.

I thank the committee members for their cooperation and their bipartisan approach to the preparation of this

report. It was not easy. I thank the member for Footscray, who did an outstanding job as deputy chair, the Greens member for Prahran, the National Party member for Gippsland South, Simon Ramsay in the upper house, the member for Mordialloc and Jaclyn Symes, a Labor Party member in the upper house.

I also thank the secretariat for their hard work: Sandy Cook, the executive officer; Dr Stephen James, who was a research officer and did a brilliant job; and Justine Donohue, the administrative officer. I commend this significant report to the Parliament.

### **Public Accounts and Estimates Committee: budget estimates 2017–18**

**Ms WARD** (Eltham) (10:34) — Like the member for Essendon, I rise to speak on the report on the 2017–18 budget. I would like to talk to the Minister for Planning's contribution on our green wedges and suburban development, but before I go down that path I would like to say that I have enjoyed being on Public Accounts and Estimates Committee (PAEC) — sometimes. I thank the chair, who is here with us, for his leadership of PAEC. He has been a terrific chair. He has been incredibly balanced in how he has conducted the last four years of hearings. His leadership, friendship and support have been fantastic. I really and genuinely thank him for that.

**Mr Noonan** — He's a great bloke.

**Ms WARD** — I agree, member for Williamstown, he is a great bloke. He no longer has a mullet, for which we are all very grateful, but he has got his Wednesday blue on, which I am also very grateful for, because I love that suit.

I also thank my fellow committee members and the secretariat who have offered a great deal of support. We have been well looked after by all members of the secretariat over the past four years. They have been fantastic people. The people that I have served with on PAEC have been people of varying degrees of fantastic. Some are more fantastic than others, I think it is safe to say, and some have got a better sense of humour than others as well. It has been a very interesting journey and I have absolutely enjoyed it and learned a lot. As a new member of Parliament, being on PAEC is a very good learning experience.

I want to go back to the purpose of my speaking on this report today, which is around the Minister for Planning acknowledging during a hearing that under the Andrews government we have ensured that we have better planning models than our predecessors did.

These include that for properties between 400 and 500 square metres the minimum garden size will be 25 per cent; properties between 501 and 560 square metres require 30 per cent garden space; and for properties above 650 square metres 35 per cent open space is required. That is garden space. Garden space does not include driveways, for example. It has to be permeable. Rain has to be able to go through it and get into the ground.

Acting Speaker Spence, as somebody who grew up in my community — a good girl from Montmorency, despite the fact that you barrack for Collingwood, which we are all a bit sad about — you know that green spaces are really important in my community. They are very important in my community.

What we are doing is in contrast to what the previous government did, and its planning minister who allowed rampant development and properties to be squeezed in close to each other, not letting any daylight in between them. Now we have the opposition leader wanting to immediately release nearly 300 000 lots on Melbourne's fringes if he becomes Premier — the man who created the expensive Ventnor disaster and the extremely expensive disaster at Fishermans Bend. He says he will be an interventionist Premier if he is successful. This is exactly what we fear. It was his interventions that were such disasters when he was planning minister — and guess what, the Liberal candidate for Eltham was his right-hand man.

Coupled with the Liberal mayor of Nillumbik, who wants to flog off council-owned land at every opportunity, the Liberals in power in this state would be a disaster for my community, for our community overall and for the state of Victoria. The Leader of the Opposition cannot release lots of land of that amount without cutting into the urban growth boundary or, as I suspect, the green wedge. This is absolutely what they will do — they will chip away at the urban growth boundary — and the pressures that are on my community now, the pressures that people who live around the north-east currently experience through infrastructure problems with traffic, will be even worse. We know that those opposite are not committed to the north-east link. We know that they want to tinker with it and we know that it will be delayed. He wants to get into government and immediately release land. It will be outside the urban growth boundary and create even more pressure on roads and public transport in my community.

The things that really concern us are in quotes we have got from the *Age* talking about developers and landowners who have tipped thousands of dollars into

Liberal Party coffers and who were among the big winners from the then planning minister's opening of green wedge areas and farmland to development on Melbourne's fringe in 2012. This is exactly what we would see were the Leader of the Opposition to be elected Premier of this state: his mates would help him carve up the green wedge, carve up elements of my community in Eltham and reduce the quality of life that we hold very, very dear. We have beautiful landscapes in my community. We have beautiful treed streets —

**Ms Allan** interjected.

**Ms WARD** — I thank the Minister for Public Transport; I appreciate that. We have a beautiful community in Eltham and I want it to be preserved.

## BUSINESS OF THE HOUSE

### Standing and sessional orders

**Ms ALLAN** (Minister for Public Transport) (10:39) — I move:

That so much of standing and sessional orders be suspended on Thursday, 20 September 2018, to allow:

- (1) Business to be interrupted at 12.00 noon;
- (2) Valedictory statements from retiring members for up to 15 minutes each; and
- (3) Any business under discussion at the time of interruption and not completed to be resumed immediately after the statements and any member speaking at the time of the interruption to continue their speech.

I will speak briefly to the motion that has been moved and was obviously foreshadowed during the course of the day yesterday. We have a current tally of 13 members of the Legislative Assembly who have signalled their intention to retire at the end of this term of the Parliament or not to recontest — retirement or not recontesting, depending on your frame of mind, member for Footscray. It has become customary with the introduction of fixed four-year terms for those members retiring or not recontesting to have the opportunity to address the Parliament.

The manager of opposition business and I have been in discussion on this matter for the last couple of weeks. I appreciate the assistance of the manager of opposition business, because we have both come to this task with a shared commitment and desire for those retiring members to have the appropriate recognition and respect of the chamber. Whether you have served one year or 21 years in this place, it is a great opportunity to mark that period of service. I am really pleased that we

have been able to accommodate this in this way during the course of this term of Parliament.

We look forward to hearing the contributions from those members over the course of the day tomorrow. I think it will also be an appropriate opportunity for members to show their respect to every member who is making their contribution, because no matter what side of the Parliament you are on, giving a display of respect as people are heading off to the next stage of their journey in life is the right and appropriate thing to do. With those few comments I commend the motion to the house.

**Mr CLARK** (Box Hill) (10:42) — The Liberal and National parties support this motion. As the Leader of the House has indicated, it has over recent years become the practice to have an organised session for valedictory remarks by those members who have indicated their intention not to recontest at the next election.

It is a strange business in this house that some leave at a time of their own choosing while others leave at a time of the electorate's choosing. For those of us who have not elected to depart at the forthcoming election it is always and appropriately a time of some uncertainty for each and every one of us as to what the future may hold, because we are all accountable for our conduct to the electorate and we all have to reapply for our jobs every four years. But for those members who have been able to make the conscious decision of their own volition not to recontest at the forthcoming election, it is an appropriate opportunity for them to express some reflections on their period of service in this house.

On one view it may be considered that 15 minutes is not a long time for a member to discuss their contribution to the house and make reflections on their entire period of service in office, be it on their own contributions or their observations on changes and highs and lows over that period, but on the other hand a 15-minute allowance of time will encourage people to focus on the essentials and on the big picture. It will allow them to place their reflections on record for posterity in general, for their families, friends and descendants, as well as for the community that has chosen to send them to this place, as part of their accountability. So we are moving towards a situation where, for those members who do depart from this place of their own volition, what they say in their valedictory remarks will come to bookend what they have said in their inaugural speeches in this place.

It is pleasing that in working with the Leader of the House we have been able to come to the arrangements that have been proposed in this motion. We also



express our thanks for the understanding of the Speaker and what we believe will be his willingness to ensure that every member is able to make their contribution to this house without being interrupted by the luncheon break, so that a number of our departing members will be able to make their contributions before the lunch hour and the remainder after that period. I hope I speak for all members of the house in saying that we very much look forward to hearing those respective contributions.

**Motion agreed to.**

### Standing orders

**Ms ALLAN** (Minister for Public Transport) (10:45) — I move:

- (1) The following new standing order be inserted after standing order 233 —

#### **‘234 Rebroadcasting**

Rebroadcast of an official broadcast is permitted, subject to the following conditions:

- (1) The material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for:
  - (a) satire or ridicule; or
  - (b) commercial sponsorship or commercial advertising.
- (2) Broadcast material must not be digitally manipulated.
- (3) Excerpts of proceedings are to be placed in context so as to avoid any misrepresentation.
- (4) Remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast.’;
- (2) Sessional order 15 be deleted; and
- (3) These changes are to come into operation with immediate effect.

Again I will only speak for a couple of moments on this motion. The practice that we are putting into the standing orders has been part of our sessional orders for the last couple of years. It demonstrates how modern technology is being brought to the floor of the Assembly, and we can now take our contributions to the wider world should we choose to do that.

It is appropriate that we have in place standing orders to govern the provision of how this material is to be republished in its electronic form. Based on the experience that we have had over the past couple of years in how it has been adopted, some members more

than others have enthusiastically adopted the use of this technology. We are now, by placing it into the standing orders, giving some certainty back to the Parliament so Hansard and others can make the necessary investments and changes so that this can become a permanent feature of our processes in the Parliament. Again I would like to thank the manager of opposition business for his assistance in working through this cooperatively, and I commend the motion to the house.

**Mr CLARK** (Box Hill) (10:48) — The Liberal and National parties support this motion. As the Leader of the House has indicated, it is intended to place into standing orders the provisions about the rebroadcasting of official broadcasts that have been in our sessional orders for some time. The purpose of placing these provisions in standing orders at this time is to give some certainty, as we understand it, to the Hansard staff of the Parliament who are responsible for the mechanisms that govern the internal broadcast and recording of our proceedings so that they can undertake some expenditure on new equipment with some certainty that a similar regime will continue in the new Parliament and therefore that their expenditure will have been well directed towards that.

The current provisions on rebroadcasting that are in the sessional orders have not been in operation for a particularly long time. The normal practice has been to allow a fuller period for innovative measures such as these to operate before they are transferred from sessional orders to standing orders. Nonetheless, in the circumstances that I have referred to it seems appropriate to insert these provisions into standing orders at this time.

The Parliament is often slowly, and sometimes more expeditiously, moving to adapt our procedures to reflect the opportunities being made available by new and improving technologies. The opportunity to rebroadcast the official recordings and broadcasts that are made of this house is a way in which, if properly used, members can better communicate with their constituents about what is happening in this house. As the Leader of the House has indicated, some members have taken this up quickly and other members less so.

It is probably fair to say that there are a range of views about the merits and the popularity of Facebook posts and other broadcasts of what we have to say in this place. Sometimes we may perhaps be more enthusiastic about the importance of what we have said here than the general community may be, and the viewing statistics on the posts of our learned words on Facebook would perhaps give us some interesting feedback about exactly what our constituents think about our remarks

and how much attention they pay to them. Nonetheless, it is a channel through which communication can be improved, and we certainly should make those opportunities available.

I might observe by way of analogy that since the web-based broadcasts of proceedings in this house and the other place have commenced, they seem to have been made very good use of — probably not by ordinary citizens spending their days at home for hours on end watching what we say in this house —

**Mr Scott** — Some.

**Mr CLARK** — With some notable exceptions, as the Minister for Finance interjects. But certainly it is very valuable for stakeholders — professionals, community groups and others who have a strong interest in particular legislation before this house — instead of having to troop in here and perhaps spend quite a few fruitless hours in the gallery waiting for their matter to come on, to be able to instead sit at their desk or in their home and get on with doing other things while keeping an eye on the internet broadcast in the background and then focus in on it when the broadcast of their item comes up.

There have been very valuable ways in which technology has been used to improve the operation of this Parliament, and I dare say that there are other ways that we could explore on a future occasion and in a new Parliament. I have previously said by way of suggestion on the issue, ‘Why don’t we allow for the use of PowerPoint presentations in conjunction with our remarks that we make to this house?’. One may not be all that enthusiastic about the ubiquitous PowerPoint presentation, but we perhaps should just imagine how the dynamics of this house would operate if there were screens on either side of the chamber and members making a presentation could reinforce what they had to say by the use of PowerPoint and other visuals.

I place that on record simply as a thought starter, and to demonstrate the fact that the core way in which this chamber and Westminster parliaments around the world have operated has probably not altered for centuries. We are standing up and communicating our ideas and our opinions to one another and to the broader community in exactly the same way that our predecessors were doing in the 15th, 16th or 17th century at the Palace of Westminster. There may well be other opportunities for us to effectively use new and emerging technologies to better engage with the electorate and to provide for a more democratic and hopefully effective operation of this Parliament on behalf of the community.

In terms of the motion before us and the proposed amendments to standing orders, it is appropriate that we place them in the standing orders at this point. I do, however, make the caveat that this is still an emerging use of the rebroadcast and an emerging use of the words that specify what we can and cannot do. While these words seem to have worked reasonably satisfactorily to date, we should perhaps keep open the possibility of revisiting the ways in which the official broadcasts can be used for rebroadcast in the light of experience, to make sure that they are operating as intended, that they are being used appropriately, effectively, fairly and accurately in terms of informing the community about what is happening here, and that there are not any unintended misuses or abuses of what is being permitted by the sessional orders and now the standing orders. If that becomes apparent in light of further experience, we might need to revisit the precise wording of these standing orders.

For the moment, as I indicated at the outset, the Liberal Party and The Nationals support this motion to include these provisions in the standing orders so that the practice around rebroadcast, which has generally been successful to date, can continue in the new Parliament, and so that officials of the Parliament can put in place the technology that they need to support that practice.

**Mr HIBBINS** (Pahran) (10:55) — I rise to speak in support of this motion to ensure that rebroadcasting of Parliament is going to be put in the standing orders and made permanent, and to give some surety that that is going to occur in the next Parliament. Certainly rebroadcasting of parliamentary proceedings, speeches, members statements and whatnot has been something that we were very keen to see happen from the get-go, and it is really great that this house will do that and that the technology will be made available by Parliamentary Services.

Certainly it is important for a couple of reasons. One, from an MP’s perspective, is to put out what you are saying in Parliament and get that to as wide an audience as possible. As much as I would like to think that people are logging onto my website and reading the transcripts of what I was saying — and I am sure those community groups that I sent the transcripts out to appreciated those — no doubt we are getting a wider reach through putting them up on Facebook. Even though with the way that Facebook is disseminating our posts now the natural reach of those posts seems to be declining a bit, and you might have to put a few dollars behind them to get the reach that they might once have had, I think it is really important to make sure that our constituents know what we are putting on the record in

Parliament and to make sure they are seeing our speeches in Parliament.

The second reason of course is to just get a bit more transparency and accountability as to what actually occurs in here. The rebroadcasting of proceedings I think is an important part of that. It probably has not gone quite towards fulfilling a wish that it might improve the conduct and bring perhaps a bit more civility to proceedings, but there is still time. It is interesting when one does go back and look at some of the exchanges during question time on video, perhaps in the heat of the moment in the theatre of question time when there is a bit of back and forth, some of the responses can appear combative. They can appear the right thing at the time, but when you take the heat out of that, some of the responses probably come across as a bit petty. Question time is obviously a hallmark of Westminster proceedings, and I think if we go back and look at the videos of those proceedings perhaps we can move towards a bit more civility in question time. That is what the public see and I think it can come across a bit better.

We are certainly keen to see the rebroadcasting of Parliament continue into the next Parliament, and I am glad this change is being made permanent.

**Motion agreed to.**

**Business interrupted under sessional orders.**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Electorate office staffing

**Mr GUY** (Leader of the Opposition) (11:01) — My question is to the Premier. I refer to page 51 of the Ombudsman's annual report tabled today, that shows her office has incurred expenses of \$879 000, comprising \$134 000 for external legal fees and \$745 000 for staff costs, excluding the costs of the solicitor-general, to investigate your party's theft from red shirts rorting.

Premier, having previously told this Parliament that these costs would be minimal and now finding the true costs to be enormous, will you now reveal the total staff cost to the Victorian government in attempting to cover up this theft, or will you continue to hide the true cost of this theft and the costs incurred to cover it up?

**Mr ANDREWS** (Premier) (11:02) — There are a couple of points I would make to the Leader of the Opposition. The first point is that any expenses incurred in this investigation are a direct result of a motion

moved in the other place with the full support of the Leader of the Opposition, a motion —

*Honourable members interjecting.*

**Mr ANDREWS** — It seems they have woken up. They were asleep yesterday, but they have woken up.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn members that that level of noise is unacceptable. Members will be asked to leave the chamber without warning.

**Mr ANDREWS** — As I was saying, there was a referral that was made by the other place with the full support of the Leader of the Opposition, a referral that conveniently prohibited the Ombudsman from looking at any other political party.

*Honourable members interjecting.*

**The SPEAKER** — The member for Lowan!

**Mr ANDREWS** — Very convenient that. My answer to the Leader of the Opposition is: did he really think the referral would come at no cost at all to the office of the Ombudsman? We have increased resources to the Ombudsman each year we have been in office, and we have been pleased to do so.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Lowan again. I have provided a warning to the house that members will be removed from the chamber without warning.

**Mr Clark** — On a point of order, Speaker, the Premier is engaging in victim blaming and debating the issue. I ask you to bring him back to answering the question as asked.

**The SPEAKER** — Order! The Premier is being responsive to the question asked.

**Mr ANDREWS** — I thank the member for Box Hill for his point of order. The reference of course made by the other place meant the Ombudsman incurred additional expenses, as she will no doubt incur when having a very close look at the member for Lowan and her printing bills and at the 53 invoices involved in the proven criminal conduct of Damien Mantach — and potentially plenty over there.

*Honourable members interjecting.*

**The SPEAKER** (11:04) — Order! The members for Kew and Rowville can leave the chamber for the period of 1 hour.

**Honourable members for Kew and Rowville withdrew from chamber.**

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (11:04) — Premier, the party you lead stole hundreds of thousands of dollars from Victorians. There has been over \$1 million spent to cover it up and fight the investigation. By repaying the money rorted you admitted guilt. Now that the Ombudsman has today revealed the true cost of your cover-up, will you pay that money back as well?

**Mr ANDREWS** (Premier) (11:04) — As I said in my substantive answer, the Leader of the Opposition seems to think that you can refer these matters to the Ombudsman and it will all be done free of charge, it will all be done at no cost. What fantasy land are you in? The Leader of the Opposition likes to talk about paybacks —

*Honourable members interjecting.*

**The SPEAKER** (11:04) — Order! The member for Hawthorn can leave the chamber for the period of 1 hour.

**Honourable member for Hawthorn withdrew from chamber.**

**Mr ANDREWS** — The Leader of the Opposition likes to talk about paybacks. The only payback he should be talking about is the \$3.5 million of hush money that he paid out on the courthouse steps to save his pathetic skin.

**Ministers statements: employment**

**Mr ANDREWS** (Premier) (11:05) — I am delighted to rise to update the house that in the last four years 370 100 jobs have been created in the great state of Victoria — 371 100 — because this government gets things done. This government has a go. This government delivers on the commitments it has made in delivering the biggest infrastructure agenda our nation has ever seen, as well as investing in hospitals and schools, supporting industry to grow, halving payroll tax in regional Victoria and delivering the best and most significant housing affordability package the nation has ever seen. The list goes on and on.

Speaking of infrastructure, we have 7000 new jobs on the Metro Tunnel — opposed by those opposite — and 10 000 new jobs ready to go under the north-east link. The reference design is out. The procurement process will be out to the market within 100 days if the Victorian community give us that greatest of gifts — a second term in office. There will be 6000 jobs on the West Gate tunnel, again opposed by those opposite, and 4500 jobs to remove level crossings.

How many of those have been opposed by those opposite? Just about all of them in one way or another. Is it any wonder that those who get on and get things done and build infrastructure, as opposed to those who oppose it, can talk about it. I could stand here today and talk about the fact that unemployment is down to 4.8 per cent. It went up from 4.8 per cent to 6.7 per cent during the miserable time that this lot was in charge. We are the jobs engine room of this nation — the strongest economy in this nation — building the biggest infrastructure agenda this nation has ever seen, and if given the chance, there will be no letting up at all.

**Election commitments**

**Mr M. O'BRIEN** (Malvern) (11:07) — My question is to the Premier. Premier, almost four years ago you stood on the steps of this Parliament and in an interview with Peter Mitchell on Seven News you promised every single Victorian that you would not increase taxes or introduce any new taxes. Since then you have introduced new taxes or increased taxes on no fewer than 12 times. Premier, I ask: will you now rule out introducing any further new taxes or further increasing taxes on Victorians — yes or no?

**Mr ANDREWS** (Premier) (11:08) — It is always yes or no with the member for Malvern. As he moves around his party room he wants them to say, 'Yes or no: will you make me leader? Yes or no?'. He is all about black-and-white answers over there — all about the black and the white. The perhaps soon-to-be Leader of the Opposition asked me about taxes. Well, no commitment was made.

*Honourable members interjecting.*

**Mr ANDREWS** — You jumped the gun there a bit. No commitment was made to halve regional payroll tax, and yet that was delivered. No commitment was made to slash stamp duty for first home buyers. Here he is: the auditioner.

**Mr M. O'Brien** — On a point of order, Speaker, I am very happy to table the extract from the interview on Seven News with Peter Mitchell, who asked:

Daniel Andrews, all the polls say you will be Victoria's next Premier. If you are, do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

Premier, you said:

I make that promise, Peter, to every single Victorian.

**The SPEAKER** — Order! There is no point of order.

**Mr ANDREWS** — That was a great performance, might I say. That was a great performance. There is a certain panache there, isn't there — a certain style. The cut of his jib is so attractive. Maybe that is why the whiteboard has got more in his column than the other fellow over there. The government will —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat.

**Mr M. O'Brien** — On a point of order, Speaker, and it is pretty obvious, I would ask you to draw the Premier back to answering the question. Will he rule out further new taxes or further increasing taxes?

**Mr Richardson** interjected.

**The SPEAKER** (11:10) — Order! The member for Mordialloc can leave the chamber for the period of 1 hour.

**Honourable member for Mordialloc withdrew from chamber.**

**The SPEAKER** — I do ask the Premier to come back to answering the question.

**Mr ANDREWS** — I thank the shadow minister for gravitas for his point of order.

**The SPEAKER** — Order! The Premier will use correct titles.

**Mr ANDREWS** — He is looking pretty good on the issue of —

**Mr R. Smith** — Grow up!

**Mr ANDREWS** — Fancy getting lectures about growing up from the member for Warrandyte. He is still here. It is 10 past the hour, and you are still here.

*Honourable members interjecting.*

**The SPEAKER** — Order! There is too much shouting across the chamber. I ask the Premier to come back to answering the question.

**Mr ANDREWS** — As I was saying, the government has cut many taxes and the government makes absolutely no apology, for instance, for introducing higher taxes for those overseas residents who purchase properties here in Victoria, acknowledging that they do not pay income tax, they do not pay GST and they do not pay many of the other taxes that make Victoria such an attractive place to live, work and invest.

The government will lay out its positive plan for the Victorian community before 24 November, and the Victorian community can make their judgement about whether they would support some who would cut —

**The SPEAKER** (11:11) — The member for Mornington can leave the chamber for the period of 1 hour.

**Honourable member for Mornington withdrew from chamber.**

**Mr ANDREWS** — and close and cuddle up to big corporations or those who have run for these last four years the strongest economy in the nation, the biggest employment boost our state has ever seen and the biggest infrastructure agenda this state has ever seen. That will be the choice that Victorians make, and our plan will be laid out fully before 24 November.

*Supplementary question*

**Mr M. O'Brien** (Malvern) (11:11) — Premier, this morning you and your Treasurer have explicitly refused to rule out hitting Victorians with new taxes, fees and charges should Labor be re-elected. Given your tax increases have already made us the highest taxed state in the country, how much extra will struggling Victorians have to pay if you are re-elected?

**Mr ANDREWS** (Premier) (11:12) — I do thank the shadow Treasurer for his question. The government has run surplus budgets, the government has invested like no other government has in infrastructure, road, rail, hospitals and schools, the government has delivered a lower debt as a percentage of the economy than that which we inherited — this remains a AAA-rated economy — and all the while things are getting done. It makes you wonder. We have been lectured about tax rates from those opposite who were pretty good at taxing themselves but did nothing with it for four years —

**The SPEAKER** — Order! The Premier will resume his seat.

**Mr Clark** — On a point of order, Speaker, the Premier seems to want to talk about anything but his intention regarding future taxes. I do ask you to bring him back to answering that question for the benefit of this house and the entire community.

**The SPEAKER** — Order! There was a long preamble to this question, and the Premier is being responsive to the question that was asked.

**Mr ANDREWS** — As I said, the government will lay out for the consideration of the people of Victoria a positive and optimistic plan for our state, and that will be there before 24 November. Victorians will be able to choose between more infrastructure and more jobs or cuts and closures from this one opposite.

**Mr M. O'Brien** — On a point of order, Speaker, the Premier lied before the last election. We just want to get the truth out of him now.

**The SPEAKER** — Order! The member for Malvern will resume his seat. The member for Malvern knows he is using unparliamentary language, and I warn the member for Malvern.

### Ministers statements: employment

**Mr PALLAS** (Treasurer) (11:13) — I am proud to update the house on the achievements of this government in delivering jobs for Victorians. As the Premier has already advised the house, since we were elected the Victorian economy has been able to produce some 370 000 new jobs. That includes 247 000 full-time jobs, more than six times as many as those opposite created in their four miserable, dour years. It means that there are 370 000 additional people that are utilising their skills and that are actually making a contribution to the state, which is a lot more than can be said for those opposite.

Our unemployment rate is now at its lowest level in seven years, at a rate of 4.8 per cent. When we were elected, that rate was 6.7 per cent. We are proud of the record increase in female participation in the labour market at the same time that female participation in the Liberal Party is reaching an all-time low. Since November 2014 the Andrews Labor government is leading the nation for jobs growth. That is something we are very proud of, but we are not blind to the challenges and indeed the uncertainties that face some Victorians.

We know that there are pockets of oversupply in the labour market: former Liberal prime ministers, aspiring leaders of the Victorian Liberal Party. We are committed to ensuring Victorians can find work wherever they are, and we have invested in our

infrastructure and in our people. We have the strongest jobs market. We have got the strongest growth of any state, and because of all this, this is a government that is getting things done.

### Environmental water

**Mr WALSH** (Murray Plains) (11:15) — My question is to the Premier. This year North Central Catchment Management Authority is going to release 82 000 megalitres of water into the Gunbower Forest in the middle of a drought. This water would keep more than 80 family dairy farms operating, which would produce something like 200 million litres of milk over summer. Premier, the Gunbower Forest has had similar water allocations over the last four years, but this year in the middle of a drought, with farmers desperate for water, will you intervene to have this water released to these farmers to save their farms and their livelihoods?

**The SPEAKER** — Order! I ask the Minister for Water not to interject across the table.

**Mr ANDREWS** (Premier) (11:16) — I thank the Leader of the National Party for his question. As I understand it, the allocation of that water, which might be termed environmental water, is part of a nationally agreed framework. It is not simply a decision for the Victorian government; there is a national agreement in place. Beyond that, I understand that there will be announcements made quite soon in relation to allocations for the future —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier to answer the question through the Chair and ignore interjections.

**Mr ANDREWS** — Yes, these are water and dairy farm experts. I think I have milked more cows than the member for Gembrook, just quietly. Listen up, you might learn something. The allocation of water pursuant to a national agreement is very different, I think, to the question the member was putting forward, as if there was some absolute ability —

*Honourable members interjecting.*

**The SPEAKER** — Order! I am going to ask the Premier to resume his seat.

**Mr Battin** interjected.

**The SPEAKER** — Order! If the member for Gembrook has an issue, he can raise a point of order.

**Mr ANDREWS** — As I was saying, the issue that the —

*Honourable members interjecting.*

**Mr ANDREWS** — One wonders whether those opposite are actually interested in an answer. The allocation of water, as described by the Leader of the National Party, is subject to a national agreement. So his notion that it could be unilaterally determined by one government is simply wrong.

*Supplementary question*

**Mr WALSH** (Murray Plains) (11:18) — Premier, on 28 August on ABC radio your water minister welcomed the news that the commonwealth environmental water holder was selling 20 000 megalitres of water to farmers —

**Ms Neville** interjected.

**The SPEAKER** — Order! The Minister for Water will come to order.

**Mr WALSH** — to help them in times of drought. Premier, talk is cheap. If the federal government is prepared to support our farmers in their times of need, why won't you?

**Mr ANDREWS** (Premier) (11:18) — Again the Leader of the National Party — a bit of a theme in the substantive and supplementary questions — is absolutely mistaken. It would be wrong for him to suggest that the Victorian Environmental Water Holder is not putting water on the market. To suggest that is simply wrong.

### **Ministers statements: level crossings**

**Ms ALLAN** (Minister for Public Transport) (11:19) — Speaker, I would like to take you back to four years ago. Then the Labor opposition promised to remove 50 level crossings over eight years, and 20 by 2018. Four years ago the then Liberal-National government said it simply could not be done. On 18 June this year the level crossing at Grange Road, Carnegie, was removed. That was the 20th level crossing to be removed. Since then there has been number 21 on Koornang Road in Carnegie, number 22 on Murrumbeena Road in Murrumbeena, number 23 on Poath Road in Hughesdale.

And then there was number 24 on Skye Road in Frankston, number 25 on Thompsons Road in Lyndhurst, number 26 on Kororoit Creek Road in Williamstown and then number 27 on Abbots Road in

Dandenong. And we have not finished. By Grand Final Friday number 28 in Seaford will have been removed and number 29 on Buckley Street in Essendon will also be gone. Some 4500 Victorians have been working on getting rid of these dangerous and congested level crossings, and on behalf of everyone, I am sure, in the Parliament we thank those hardworking Victorians working 24 hours a day, seven days a week, rain, hail or shine, to get rid of these level crossings.

I would expect that on Grand Final Friday the Liberal opposition might be a bit upset. As Victorians get the day off and go to the Grand Final Friday parade, the 29th level crossing will be removed. We have seen in the community, in the media, in the Parliament and even in the courts that those opposite have stopped at nothing to try to block and stop the removal of these level crossings. No excuse was too small, but we were determined to deliver on getting rid of these level crossings.

### **Mandatory sentencing**

**Mr GUY** (Leader of the Opposition) (11:21) — My question is to the Premier. Jimmy Huang is aged 47. He came to Australia to raise a family and build them a better life. He and his wife opened and run a small convenience store in Dandenong North and, like many Australians, they work long, hard hours. A few weeks ago when at his store at night Jimmy heard his wife screaming. She had been grabbed by two thugs brandishing handguns and was being brutally bashed. Intervening to defend his wife, Jimmy was subsequently violently bashed as well, so badly he was temporarily blinded. Premier, after four years in office, are you prepared to look Jimmy and countless other Victorian victims of crime in the eye and explain to them why you refuse to introduce mandatory minimum jail time for the repeat violent offenders who commit violent crimes that cause so much hurt to hardworking Victorians like Jimmy Huang?

**Mr ANDREWS** (Premier) (11:22) — Of course we would send our best wishes to Mr Huang and any victim of crime across our state. We do not want people to be injured. We do not want people to be having to deal with the health consequences of violent crimes such as the one listed by the Leader of the Opposition.

**Mr Walsh** interjected.

**Mr ANDREWS** — The Leader of the National Party says that people want something to happen. Yes, statutory minimums for intentionally causing serious harm, getting rid of slap-on-the-wrist community correction orders (CCOs) for violent crimes —

something we inherited from those opposite — fixing the baseline sentencing mess that was kicked out by the Court of Appeal and fixing bail, which left to us in a shambles by those opposite. I can go on.

*Honourable members interjecting.*

**Mr ANDREWS** — I would say two further things to the Leader of the Opposition: you could have a rise in crime rate and recruit no extra police. That would be an approach. Or you could say no, you get the Chief Commissioner of Police into your office and you say, ‘What do you need? Tell me what you need, and I will give it to you’. He says, ‘I need —

**Mr Guy** — On a point of order, Speaker, on relevance, my question was about mandatory minimum jail time.

**An honourable member** interjected.

**Mr Guy** — No, it was a question about mandatory minimum jail time. That is the question I asked of the Premier, and I ask you to bring him back to answering that.

**The SPEAKER** — Order! The Premier is being responsive to the question that was asked.

**Mr ANDREWS** — The first point was that you could of course not recruit additional police. You could not give police the technology, the equipment, the capability, the resources and the new staffing allocation model to end that boom-and-bust election commitment cycle that is the only barometer or measure of how many police have been recruited. We have ended that. There is an alternative approach, but we have ended that.

The second point I would make in concluding my answer is that I am not entirely sure whether the Leader of the Opposition, who has a lot to say about mandatory sentencing, is in fact offering mandatory sentencing. The member for Hawthorn is not here now, but he rather let the cat out of the bag a while ago when he said ‘maybe’, ‘could be’, ‘might not be’. I would not be lecturing people about mandatory minimum sentences, because you are not offering them yourself.

We have cleaned up your mess in so many areas, and we will continue to do so not by cutting resources to police but by recruiting more of them, not by having serious violent offenders getting a slap-on-the-wrist CCO but instead making sure that they do jail time.

That is our record, and the Leader of the Opposition needs to get his own policy offering in order. Are you

offering mandatory sentencing or not? The answer is, according to your own spokesperson — your own spokesperson confirmed — that you are not. Your grandstanding is duly noted.

*Honourable members interjecting.*

**The SPEAKER** — Order! I do ask the member for Bass to cease shouting across the chamber.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (11:25) — Just a few months ago three teenage thugs violently invaded a milk bar also in Dandenong as the owner desperately tried to defend his wife and teenage daughter. These thugs assaulted him so violently that he suffered serious injury and had to be hospitalised.

Premier, with crimes against the person now at record high levels in Victoria and violent assaults now frighteningly commonplace, will you finally apologise to this family and all other victims of crime for the harm and grief they have suffered due to your soft touch, your ‘be nice to criminals’ policy that has unleashed Victoria’s violent crime wave?

**Mr ANDREWS** (Premier) (11:26) — I don’t think there are too many in the criminal element that are happy to see the police academy full. I don’t think there are too many in the criminal element that are happy to see the Crime Statistics Agency reporting more arrests than has been the case for a very long time, and that the crime rate is coming down as reported by the independent Crime Statistics Agency. If given the opportunity to take the statistics provided or the pretty aggressive interpretation by the Leader of the Opposition or to look at independent report after report after report from the Crime Statistics Agency, I will choose the latter. The Leader of the Opposition, who cut funding to Victoria Police, is in no position to lecture anybody on crime or punishment, given that his own shadow Attorney-General has let the cat out of the bag. There is nothing mandatory about your so-called ‘mandatory sentencing’.

### **Ministers statements: energy industry**

**Ms D’AMBROSIO** (Minister for Energy, Environment and Climate Change) (11:27) — I am absolutely delighted to update the house on our successful Victorian Renewable Energy Target reverse auction, because through our government’s legislation, through our Victorian Renewable Energy Target, which those opposite voted against, we have delivered for Victoria.



The results speak for themselves. Under our government more than 700 megawatts of renewables have been already built in this state and a further 1700 megawatts of renewables are under construction. Through our Australian first and largest auction we have announced 928 megawatts of new projects. There are thousands more wind and solar projects with planning approval waiting for the re-election of this government to actually get them being built.

In a few short years this government is bringing more than twice the capacity of Hazelwood back into the grid; it could not be any clearer than that. When you get the policy right, you get the outcome right. Victoria is reaping the rewards of these efforts. Thousands of workers are employed in this booming industry with thousands more jobs to come.

It is not just me saying this — many stakeholders out there have welcomed our reverse auction. I only have to quote the chief executive of the Victorian Chamber of Commerce and Industry, Mark Stone, when he said in a media release on 11 September this:

... investment in new energy supply will cut energy bills and grow jobs in the sector while reducing emissions.

The Victorian Chamber of Commerce and Industry is saying that, the Australian Industry Group is saying that, as are many other stakeholders. The jobs are being created in many of the electorates of those opposite who actually voted against renewables. The successful projects alone are producing \$1.1 billion of economic investment in the regions and 900 jobs, including 270 apprenticeships and traineeships in Geelong, Mildura, Echuca, Warrnambool, Mortlake and Benalla, and there will be more to come.

### Crime

**Mr GUY** (Leader of the Opposition) (11:29) — My question is to the Premier. Earlier this year Paulo Kele committed an horrific home invasion standing over Indian students, putting a knife to a victim's throat and then stealing their car. Astoundingly he was freed on bail to walk the streets while the victims, terrified, live in fear of his return following this terrifying attack.

Premier, after four years of government, despite all your tough talk, why are violent offenders like Kele still being let out on bail? How can you ever expect any Victorian to trust a word you utter about safety, when for the last four years you have failed so comprehensively to keep the state safe?

**Mr ANDREWS** (Premier) (11:30) — I thank the Leader of the Opposition, and I will be delighted to check the facts as he has put them to me.

*Honourable members interjecting.*

**Mr ANDREWS** — Well, I will be. I will check what he has presented to me because he has demonstrated these last four years that it is worth doing that — checking what he says.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members to cease shouting across the chamber.

**Mr ANDREWS** — Beyond that, maybe the Leader of the Opposition doesn't know this, but I think there are more people on remand today than there has been at any point in the state's history. The remand and bail court, the toughest bail laws in our nation — again, all reform that had to be done by this government because of what was left to us by those opposite, who are very good at talking tough, but when it comes to actually getting the job done their record is appalling.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (11:31) — On Monday night four masked offenders invaded a home in Montgomery Street, Ararat, restraining the male and female occupants who were both assaulted, with the male home occupant sustaining serious head injuries. The police association say that frontline police numbers have been cut by 190 since 2013, with your cuts being most acutely felt in growth corridors in country Victoria.

Premier, how can you expect police to stop this shocking crime wave, when you — as the police association say — have cut frontline police numbers, particularly in country Victoria, particularly in Ararat? And is it any wonder that so many Victorians are going to bed in fear at night as violent crime soars across our state?

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Clarinda!

**Mr ANDREWS** (Premier) (11:32) — That was rather a long members statement, and I expect someone over here intends to scare a lot more people if he gets his chance. Thinking that scaring people into voting for you is somehow leadership — that is what he would

offer up. The issue in relation to frontline police or additional police —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Ripon!

**Mr ANDREWS** — There are 1300 additional frontline police across our state.

*Honourable members interjecting.*

**Mr ANDREWS** — Well, I consider that specialist family violence police are very much frontline. I consider highway patrol police to be very much frontline. I consider those who are working on investigating sex crimes in our community are very much frontline, so it is on that that I would disagree with the Leader of the Opposition.

**The SPEAKER** — Order! The Premier will resume his seat.

**Mr Guy** — On a point of order, Speaker, on relevance, noting the Premier is now disagreeing with the police association in particular and questioning the police association's interpretation of their own police figures, I ask you to bring him back to answering a straightforward question about cutting police numbers, particularly on the frontline, in regional Victoria and why country Victorians are now living in fear as a result.

**The SPEAKER** — Order! I do not uphold the point of order. The Premier is being responsive to the question.

**Mr ANDREWS** — As I was saying, the Leader of the Opposition may not regard family violence police as being frontline. I do, and I am proud to call those additional police working in family violence frontline police and to thank them on behalf of all Victorians.

### **Ministers statements: road infrastructure employment**

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:33) — It is a pleasure today to be talking about the thousands of jobs that have been created through the biggest road building program this state has ever seen. Tonight on the M80 we will be opening new lanes between Sunshine Avenue and the Calder, and what a great contribution that is going to make. One thousand workers have been onsite improving safety and travel times. But while we are opening these lanes, of course the butcher from Box Hill is out there telling

people he wants to cut the wages of construction workers —

**Mr Clark** — On a point of order, Speaker, not only is the minister acting in an unparliamentary manner, he is misrepresenting me. I ask you to bring him back to compliance with sessional orders.

**The SPEAKER** — Order! I can assume the minister was referring to a member of this place, and I ask him to use parliamentary language and not refer to members other than by their correct titles.

**Mr DONNELLAN** — We will not be distracted by this miserly approach to wages. We are very proud of the work we have created. You have only got to look at the north-east link. We have just released the new design for that, and I know 10 000 jobs will be there. We are building this project. We will not be waving the magic lobster claw and hoping Uncle Tony and Uncle Frank will pop out and fix our problems.

There is good news also for country roads, because we have just started Regional Roads Victoria, a record spend — \$941 million — and there are 650 jobs for the \$333 million we will be spending on maintenance. But we know that the Deputy Leader of the Liberal Party is already out there indicating that he is going to chop Regional Roads Victoria. On the West Gate tunnel, this morning we were out there talking about future disruption. Again this is another issue on which we do not have the full support of the opposition. We ask them to put their big-boy pants on and actually join us in this great project, because we know our suburban upgrades will create 4200 jobs.

Let us be clear: the Premier will be known as the patron saint of jobs in the future — Saint Daniel — because of the amount of work we are doing. We will not be distracted — no peacock parade on this side and no chasing the big boy's chair over there, not like the member for Malvern having high tea, low tea and vote for me tea with everybody who will sit down with him because he needs to put a bit more —

**The SPEAKER** — Order! The minister has concluded his statement.

### **CONSTITUENCY QUESTIONS**

#### **Hastings electorate**

**Mr BURGESS** (Hastings) (11:37) — (15 000) My question is to the Minister for Energy, Environment and Climate Change. I am seeking information on behalf of my Blind Bight and Warneet communities about the provision of a new public toilet in Warneet. Blind Bight

and Warneet constituents have stated that a new public toilet with facilities for people with disabilities is badly needed on Department of Environment, Land, Water and Planning land at the Warneet boat ramp. The old toilet is unusable. It has no lights, it is too far from the boat ramp and the local council has stated that the area is in fact snake infested. Local residents have stated that on weekends, when over 1000 people visit the town to use the boat ramp, visitors are forced to use the surrounding brush as a makeshift toilet, creating not only a hygiene problem but an embarrassing situation for adults and children alike, while the situation is immeasurably worse for people with a disability.

The City of Casey has stated that the area is foreshore land and therefore the responsibility of the state government. Council has been advocating for the state government to install a toilet in this area for some time — in fact a long time. The exact location of the toilet will be a decision for the state government agency. I am calling on the state government to fix this unsightly and unusable public amenity urgently. Victorians of all abilities should have the right to expect a public toilet in this location.

#### **Essendon electorate**

**Mr PEARSON** (Essendon) (11:38) — (15 001) I direct my constituency question to the Minister for Families and Children in the other place, and I ask: what is the latest information about providing 15 hours of four-year-old kinder for the culturally and linguistically diverse community in the state district of Essendon beyond the expiry of the current national partnership agreement?

#### **Euroa electorate**

**Ms RYAN** (Euroa) (11:39) — (15 002) My question is to the Minister for Public Transport. Will upgrades to the Donnybrook railway station include improvements to the bus stop facilities? On 12 August Marilyn Sanderson of Seymour was waiting for the 5.03 Seymour train from Donnybrook, but it did not arrive. She told me that Donnybrook is an unmanned station, and there are no screens, signs or recordings to inform passengers of changes in the service. Having waited some time for the train, which she had assumed to be just delayed, she rang V/Line and was told of the change from train to coach. Further questioning revealed that the bus stop is not, as you might imagine, in the railway car park but some distance away on the road. There is no shelter, and there are no seats. Passengers had to stand for 45 minutes in the encroaching dark and biting cold waiting for the coach.

Marilyn is very concerned about this and would like to see the bus stop moved so that it is in closer proximity to the railway station. I have to add that along the line we want to see dramatic improvements to the reliability of the Seymour and north-eastern Shepparton train lines. We have committed to do that with a \$240 million investment to replace all of the rolling stock.

#### **Narre Warren South electorate**

**Ms GRALEY** (Narre Warren South) (11:40) — (15 003) My constituency question is for the Minister for Training and Skills and concerns the Berwick Centre for Health. I ask: how will students in Narre Warren South benefit from the new Berwick Centre for Health? The new facility is located at Chisholm TAFE in the heart of Berwick's health and education precinct. The new building will feature specialised training and simulation laboratories, tailored teaching environments and student amenities to meet the increasing demand for health and nursing in this state. As part of our free TAFE program students will be able to access courses like the diploma of nursing, certificate IV in mental health and certificates III and IV in allied health assistance. This will make it easier for more Victorians to get the skills they need for jobs in high-demand industries. I cannot wait to see the Berwick health and education precinct finished, and I know there are plenty of students out there eager to start using these new facilities.

#### **Forest Hill electorate**

**Mr ANGUS** (Forest Hill) (11:41) — (15 004) My constituency question is to the Minister for Education. Minister, when will the government provide adequate toilet facilities for Livingstone Primary School in my electorate of Forest Hill? Livingstone Primary School was built in the 1970s. It is a fast-growing and high-achieving school. The school has total student toilets of 17 girls' cubicles, 12 boys' cubicles, 13 urinals and two disabled toilets. The only addition to these facilities over that time has been five cubicles in the Building the Education Revolution (BER) building, which are included in the aforementioned totals. In 2005 there were 423 students at the school. This year there are 803 students. That represents a staggering 90 per cent increase in students at the school over the last 13 years. However, aside from the additional five BER toilets, over that time the number of toilets available for the students to use has remained unchanged. Additionally, the toilets are now in an unsatisfactory condition. I have been contacted by school parents lamenting the current inadequacy in the condition and number of toilets at the school. Minister, my community wants to know when you will address

this glaring deficiency in the toilet facilities available for Livingstone Primary School students.

### **Sunbury electorate**

**Mr J. BULL** (Sunbury) (11:42) — (15 005) My question is for the Minister for Public Transport. What is the latest information on construction and design for the 300 new car parking spaces at the Sunbury train station? Residents of my electorate have long called for additional commuter parking, and I was thrilled to announce funding in the last budget to provide over 300 new spaces. For four years those opposite ignored the issue. We have a plan because this government gets things done. I ask the minister for the latest information on design and construction of the new car parking spaces.

### **Burwood electorate**

**Mr WATT** (Burwood) (11:42) — (15 006) My question is for the Minister for Police. Given the Premier's recent commitment at a Police Association Victoria conference that he would introduce new minimum service standards for the manning of police stations, what are the minimum service standards for the Burwood and Ashburton police stations, which have been closed and downgraded by the current government respectively? What are the minimum service standards for the Burwood and Ashburton police stations given that Burwood was closed in July 2015 by this government and Ashburton was downgraded to two days a week in September 2015 by the Andrews Labor government?

### **Macedon electorate**

**Ms THOMAS** (Macedon) (11:43) — (15 007) My question is for the Deputy Premier and Minister for Emergency Services. Minister, can you advise when another community open day will be held at the Victorian Emergency Management Institute at Mount Macedon? My constituents will never forget that in 2014 the federal Liberal government announced that it would sell off the Australian Emergency Management Institute, with not a word of protest from the Napthine government or the former Liberal minister. With around 60 jobs lost, and an integral part of our emergency management capability seemingly gone forever, I was of course delighted when the minister announced that an Andrews Labor government would purchase the site and establish Victoria's own emergency management institute. The institute is flourishing and is once again central to developing the skills of our emergency services workers and volunteers. It was a great pleasure to attend the first

open day earlier this year to see the fully refurbished facility and the beautiful gardens, as well as learn more about the capability of and vital work performed by our emergency services agencies. I look forward to once again joining thousands of locals and visitors at an open day in the new year.

### **Sandringham electorate**

**Mr THOMPSON** (Sandringham) (11:44) — (15 008) The coastal integrity of the Black Rock foreshore is of major interest to members on both sides of the house and to people in the gallery as well. There are a wideranging number of respected environmental groups within the Sandringham electorate that have looked after the Ricketts Point Marine Sanctuary area and the Sandringham foreshore, and there are major concerns regarding the merit of current proposals for the development of a rock revetment wall for a distance of over 400 metres along the Sandringham foreshore. There is a concern that there are other options available that will not involve bricking up the foreshore. A number of years ago there was a proposal, which was overturned, to build a revetment wall along the Sandringham foreshore, and on behalf of the local community, I ask the minister whether she will cease the works to enable further consultation to take place to ensure the best community outcome.

**The ACTING SPEAKER (Ms Spence)** — Member for Sandringham, which minister are you referring to?

**Mr THOMPSON** — The Minister for Energy, Environment and Climate Change.

### **Ivanhoe electorate**

**Mr CARBINES** (Ivanhoe) (11:45) — (15 009) My constituency question is to the Minister for Roads and Road Safety, and I seek the latest information on the timetable for \$4 million of works along Rosanna Road. Those works include new traffic lights at the intersection of Rosanna Road and St James Road, new pedestrian lights at Yarra and Brown streets on Rosanna Road, traffic safety cameras to be installed on Rosanna Road at the Banyule Road and Darebin Road intersections, and electronic 40-kilometre-per-hour signs installed on Rosanna Road between Darebin Street and Banksia Street, helping schoolkids and shoppers to be safe. This is on top of \$850 000 worth of traffic safety improvement works that have already been done on the intersection of Lower Plenty Road and Rosanna Road and of course the detailed north-east link design plans which have been released. At Watsonia RSL we had many hundreds of people

through to look at those designs to get 11 000 people a day off Rosanna Road.

## OPEN COURTS AND OTHER ACTS AMENDMENT BILL 2018

*Second reading*

**Debate resumed from 8 August; motion of  
Mr PAKULA (Attorney-General).**

**Mr CLARK** (Box Hill) (11:46) — I am pleased to speak to this bill on behalf of the shadow Attorney-General and on behalf of the Liberal and National parties. This is a bill primarily to amend the Open Courts Act 2013 and also to amend the Children, Youth and Families Act 2005 and the Judicial Proceedings Reports Act 1958, principally with a view to strengthening the way in which courts in Victoria are open and accountable to the community for the manner in which proceedings are conducted in them, and the ability of the community to receive reports and accounts through the media or indeed through other channels as to what has transpired in those proceedings.

This is an objective that is certainly strongly supported on this side of the house. Indeed the Open Courts Act 2013 was introduced by the previous Liberal-Nationals government with a view to achieving exactly the objectives that I have referred to. The 2013 act was introduced in circumstances where unfortunately Victorian courts had the very concerning record of being one of the most prolific in the nation in terms of issuing suppression orders. The view that was formed by this side of the house when in government was that that had gone far too far, that while there were appropriate circumstances in which suppression orders or other restrictions on publication could and should apply, those restrictions were being applied far too broadly and far more often than they should. That was a reason why the 2013 act was introduced to set very clear principles for the courts and to establish procedures around the issuing of suppression orders, which hopefully would achieve a better balance and appropriate decisions when suppression orders were to be made.

Unfortunately this area, as in a number of others, is one in which there seems to be a chronic and ongoing divergence between the views and intentions of this Parliament, on behalf of the community, about what the law should be and how it should be applied, and the views of a number of members of the judiciary. When that occurs, which, as I say, unfortunately seems to be occurring far too often in Victoria, it is the responsibility of this Parliament to put the matter beyond doubt — to

re-legislate if courts have failed to appreciate the initial intention of this Parliament, so as to put beyond doubt what this Parliament intends on behalf of the community. Of course it is primarily the responsibility of the government of the day to bring the appropriate legislation to Parliament to ensure that occurs.

This bill is one that in the last week of this Parliament comes on for debate seeking to do exactly that. Unfortunately it is a bill that looks destined to lapse when this Parliament is dissolved for the forthcoming election, and presumably it will then be up to a new government and a new Parliament to tackle this issue. While the opposition parties are supportive of the objectives of this legislation and very strongly supportive of the principle of open courts, it is regrettable that it has taken so long for this legislation to reach the Parliament.

The issue of the application and operation of the Open Courts Act has been subject to a number of very well documented and thorough academic expert studies and publications that have demonstrated that the courts, or to be more accurate, many members of the judiciary in various courts, have not taken adequate notice of or applied the provisions of the Open Courts Act in line with what the Parliament intended. Unfortunately a number of the practices that the 2013 act was intended to address have continued. I think the studies overall have shown that there are at least clearer limits operating through court decisions and the application of the act in respect of the duration of suppression orders than was previously the case, but they do continue to be made in circumstances that are far broader than this Parliament, on behalf of the community, thinks is appropriate.

There was a study that was undertaken by the Honourable Frank Vincent, who presented a report on the legislation and its operation with a series of recommendations. The report was commissioned and undertaken during 2016, but unfortunately we are now in late 2018 before this legislation has come before the Parliament. Regrettably, that is emblematic of many of the problems with law and order in this state under the current government. Time and time again the government has failed to play the part that it needs to play in upholding on behalf of the community what the community wants and what Parliament has signalled is its intention on behalf of the community in the legislation that has been passed in this place.

We have seen it with the issue of the operation of community correction orders (CCOs), where regrettably there was a very poorly composed guideline judgement issued by the Court of Appeal. I say that with the greatest of respect to the members of that

Court of Appeal. It was the first guideline judgement issued by the Court of Appeal, but unfortunately it did not form a good precedent in setting guidelines, nor for the operation of CCOs. It was poor in the clarity of expression that it provided for the courts that look to it, and it was also particularly unfortunate in a reference it made to a potential broader scope for community correction orders in very loose and open language. This, which had the consequence that many inferior courts felt under some pressure to grant bail to people who otherwise would not have been bailed, and felt under pressure to grant community correction orders to people who prior to the Court of Appeal's decision would never have been considered appropriate for community correction orders.

This was something that occurred in late 2014, and this side of politics were saying right from that point that action needed to be taken on it or there would be serious consequences for our criminal justice system — that this was an instance where the courts had misapplied the intention of the Parliament and, as is always the case in those circumstances, it is then up to the government of the day to bring legislation to the Parliament to make clear to the courts what this Parliament intends and to get the problem resolved. We on this side of the house had been calling for that constantly since that guideline judgement was handed down, and yet it took months and indeed years to get any sort of response from the current government. Unfortunately, as is so often the case, once the wrong direction is set, once the message gets around that the law is soft, weak and a pushover and that if you are an offender, you can get away with it or your lawyer can get you off with a slap over the wrist, and once that gets into the psyche of would-be offenders and prevails amongst those who are prone to commit crimes, it is very difficult to reverse that perception. That has been a key element of the problems that have led to the explosion of crime, particularly violent crime, in this state over recent years.

Similarly, we have seen with baseline sentences a number of judges of the Court of Appeal finding themselves incapable of understanding what the intention of this Parliament was, which one may consider rather surprising since it did not cause such difficulties to some of their fellow judges. Nonetheless, that was a view of the majority of the Court of Appeal, and they simply refused to apply the law that had been passed by this Parliament. Again that was something that was crying out for the government of the day to take speedy action on, again it was something that this side of the house was calling on the government to act on from the time of that judgement, but they failed to do so. Again that failure to act was a significant

undermining of confidence in the law and a significant sending of a message that the law is weak and offenders can get away with it.

It is perhaps also regrettable that that matter was not appealed to the High Court, because many learned members of the legal community are of the view that the High Court may well have taken an entirely different approach to the interpretation of the legislation than did the Court of Appeal. That is academic, given that no decision was made to appeal and, given that no appeal was made, it was incumbent, as I say, on the government of the day to take action to make clear what the intention of the Parliament was.

It should go without saying that under the Westminster system, which we are fortunate to have in this state, it is the primary responsibility of Parliament to legislate on behalf of the community when the common law or the existing statute law is considered to be defective, and it is part of the democracy that we have that the legislative intentions of Parliament have primacy and apply to and bind our courts. It is the responsibility of the appointed judges to apply the law in accordance with the law and in accordance with the intentions of Parliament. That is as it should be because, as Montesquieu specifically pointed out in relation to the separation of powers, if that does not occur, if judges also become legislators, there is a real risk of tyranny. The Westminster system, where the Parliament is the supreme legislator, where the Parliament has the ultimate decision as to the executive of the day and where the judiciary hold office independently and are able without fear or favour to apply the law in accordance with the law, is, out of all the systems of government that have been tried in the course of human history, one of the most successful and is one that we should cherish, protect and uphold.

In relation to this legislation, unfortunately too many members of the judiciary do not seem to be applying the law as was intended by this Parliament, and the bill before us is intended to remedy that. The bill makes a number of alterations that are designed to reinforce the messages that were intended to be conveyed by the 2013 act. It is proposed to insert an additional purpose into the Open Courts Act 2013 to make clear that one of its purposes is to recognise and promote the principle that open justice is a fundamental aspect of the Victorian legal system which maintains the integrity and impartiality of courts and tribunals and strengthens public confidence in the system of justice. That is a sentiment that was certainly laid down in introducing the 2013 legislation. Hopefully having it set out in the purposes of the act will put it absolutely beyond doubt

for all members of the judiciary and everybody else who looks to the act to see what its objective is.

The bill also includes a redrafting of the existing section 4 of the act in relation to the principle of open justice. Again, hopefully that rewording helps put beyond doubt that open justice is intended to have primacy alongside free communication and disclosure of information in determining whether or not to make a suppression order and that a court is required to be satisfied of the special circumstances of the case in order to make a suppression order. There are also a range of mechanical provisions in the bill which in various ways seek to strengthen how it operates.

Separately there are some provisions amending the Children, Youth and Families Act 2005 in order to substitute new restrictions for the existing provisions and restrictions in relation to the publication of proceedings that relate to juveniles. This has been another vexed area of the law. The objective in having greater restrictions on the publication of details about offending by juveniles is to give an opportunity for juveniles who have done the wrong thing but then learn the error of their ways not to have their juvenile transgressions held against them in later life. To a certain extent, that is a reasonable objective. The problem arises when juvenile offenders are given that opportunity but then fail to take it and go on to commit further crimes, often very serious crimes, either as juveniles or as adults. Certainly when an offender shows as an adult that they have not learned the error of their ways and have not turned away from youthful folly or wrongdoing but are continuing in it, the rationale for continuing to prevent the community having knowledge of their prior juvenile offending has gone. That is certainly a view that was taken by the Liberal Party and The Nationals under the previous government, and we announced various commitments and policy intentions in that regard. Unfortunately the provisions of the bill in relation to juvenile offending fall short of what we believe is appropriate and what we have put forward as reforms that we believe should be introduced.

The final area on which I would touch is amendments to the Judicial Proceedings Reports Act 1958 to create a defence to the prohibition against the publication of any matter identifying a person against whom a sexual offence has been committed. The objective of this amendment is to make clear that if the court gives permission either on the application by the victim or on the court's own motion or if the victim themselves is an adult and they give permission, then details can be published. That seems a very sound objective indeed. These laws were put in place in order to protect victims,

not to prevent victims from speaking out about what they have suffered when they wish to do so.

This follows on from a parallel reform that was introduced under the previous Liberal-Nationals government to make it clear that victims of family violence should have the right to speak out and tell their story when criminal proceedings against a perpetrator had been concluded because perpetrators should not be allowed to hide behind these provisions. Unfortunately the provisions in relation to family violence as they were originally enacted had that consequence. We were very pleased to bring legislation to this Parliament when we were in government to change that to make sure that victims of family violence had the right to speak out about what they had suffered, and to use that to demonstrate the importance of measures to protect family violence victims.

I give credit to the many victims of family violence who spoke out very strongly in favour of that reform to the law, and it was a reform that we as a government were very pleased and proud to deliver. It is one that I, in particular, as Attorney-General of the day was very pleased to be able to bring to the Parliament on behalf of the government. We welcome the objectives of this parallel provision in relation to victims of sexual offences, and we certainly hope that it operates to achieve its objective of empowering them to speak out about their experience when it is their wish to do so.

In conclusion, the opposition parties do not oppose this bill. We certainly support its objectives of reinforcing the direction that was set under the previous coalition government of making clear to Victorian courts that they should be open and transparent and give primacy to that objective. Our only regret is that, as in so many other areas, it has taken the government far, far too long to bring legislation along these lines to the Parliament. Regrettably it will therefore fall to the government following the election to bring legislation to this Parliament to actually achieve its objectives.

**Ms HUTCHINS** (Minister for the Prevention of Family Violence) (12:07) — I rise to speak on the Open Courts and Other Acts Amendment Bill 2018 that is before the house. This bill really helps us to make sure that our laws relating to suppression orders are working effectively for all respondents that use our court system. It requires written reasons and provides opportunities for objections which will safeguard the public's right to know. This is extremely important in the space of making sure victims of family violence and victims of sexual assault are able to tell their stories and that there are no adverse effects in place in regard to how these orders are actually operating.

The bill is part of the first stage of the government's response to the report. We acknowledge that there is more work to do. These are some of the simple changes before us today that we can make, but out of the review there were some more complex changes which I look forward to the next government bringing to this house and implementing.

The bill is based on recommendations made by the former Supreme Court and Court of Appeal judge, Frank Vincent, following his independent review of the Open Courts Act 2013. Can I thank Justice Vincent for the careful consideration that he has given in conducting the inquiry and making the recommendations. It was in late 2016 that the government asked the Honourable Frank Vincent to actually have a look at this matter, and as a result of that some of those recommendations are before us today. The final report of the Open Courts Act Review was made public in March this year, and the report made 18 recommendations for improving existing suppression laws. The government has given its support in full or in principle to 17 of the 18 recommendations, and is making considerations around the other.

The report of the review was produced after consultation with around 40 stakeholders in private meetings and through public submission processes. The bill was developed in consultation with key stakeholders such as the courts, the Office of Public Prosecutions, Victoria Legal Aid, Victoria Police, the victims of crime commissioner and the Commission for Children and Young People. All of those voices are loudly reflected in the amendments today.

The bill implements in full or in part seven of the 18 recommendations, and I will just run through what they are in a brief summary. It implements the Open Courts Act review to: emphasise the importance of open justice under the Open Courts Act; prevent suppression orders being made under the Open Courts Act when provisions under other legislation apply; require courts and tribunals to give reasons for making suppression orders under the Open Courts Act; enable suppression orders to continue until the determination of an appeal, or unless varied or revoked by the appellate court; enable the publication of relevant juvenile convictions of persons who continue to engage in serious offending as adults, subject to certain safeguards; and enable adult victims of sexual and family violence offences to speak more openly about their experiences. I would like to focus some of my comments on the importance of being able to tell your story as a victim.

We know that in terms of figures of suppression orders that between 1 January 2014 and 31 December 2016

Victorian courts and tribunals made 1594 suppression orders in relation to cases. The review found that this represents relatively few suppression orders in comparison to the overall caseloads of our courts, but unfortunately there are many victims who have come forward and put the case that they were not able to tell their story because of these suppression orders. In fact they outlined how important it was to be able to tell their story in the public domain as a way of healing and as a way of being able to move forward in their lives by being able to make their case public.

I do not think it was ever the intent of suppression orders in the way the laws were drafted back in 2013 and amended along the way to have this implication. In fact the previous speaker indicated that that was something that was not part of the aim of these laws in the past, but it has been a reality to the effect that it has suppressed our victims here in Victoria, particularly victims of sexual assault and family violence, from being able to tell their stories in much broader circumstances.

What these changes do is enable victims of family violence and sexual offences to speak more freely about their experiences. The bill amends existing prohibitions to allow adults who as adults or as children were victims of sexual or family violence offences to opt for disclosure of their identity once the offender has been convicted. The bill also creates a core process to allow the court to make an order authorising disclosure if the victim consents to disclosure and there are no other reasons for the prohibition to apply. This is important for women who want to speak out and allow others to know that they are not alone in those circumstances. We have seen how important this can be in terms of encouraging other women to step forward. There was a very terrible case only a few months ago of a crime that happened, I think about seven years ago — a sexual assault and bashing of a woman who was able to come forward and tell her story, even though there was no conviction at that stage of the offender. What being able to speak out and tell your story does not only assists the police when there has not been a charge or a prosecution but also encourages other women who may have been in the same circumstance of experiencing sexual assault, rape or family violence to come forward and know that they are not alone, that their experience matters and that real change can happen.

The court process under the bill requires a court to be satisfied of the consent of any other victim whose identity would be disclosed before it can make an order enabling a victim of sexual or family violence offences to disclose their identity. As an additional safeguard the



court must also be satisfied that the disclosure of a victim's identity is appropriate in all the circumstances. This has been a topic of debate in recent months around the disclosure of perpetrators and their details. Of course it really is not up to an ad hoc database for that to be put in place, but rather a court system to make the decisions around what the implications of disclosing either a victim's or a perpetrator's identity and what the flow-on effects would be for the immediate family of both those people.

On giving reasons for suppression orders, there is no requirement in the Open Courts Act 2013 that courts and tribunals give reasons for making suppression orders. Recommendation 6 of the Open Courts Act review recommends that Victorian courts and tribunals give written statements of reasons for making each of the suppression orders subject to any redaction or restriction necessary, not to undermine the purpose of the order, and that these reasons be made publicly available. I think that is a really important step forward.

Reasons will not need to be given in limited circumstances, such as when an interim order is made or when giving a statement of reasons would render an order ineffective. The implication of this requirement will be considered in even more detail in further legislation. The reasons for making an order need not be of any particular length, provided they are sufficient to explain and justify the terms of the suppression order.

I guess an important part of all of the amendments that are before us today is that they will make sure that the information that is received by the courts and the decisions that are made are made in a way where victims get the right to tell and share their stories. In conclusion, we are committed to ensuring that our courts are open and transparent and that the laws protect the public's right to information. I recommend the amendments to the house.

**Mr CRISP (Mildura) (12:17)** — I rise to make a contribution on the Open Courts and Other Acts Amendment Bill 2018. The main purposes of the bill are to amend the Open Courts Act 2013 in relation to the prohibition and restriction of the publication of information in court and tribunal hearings, and to make related amendments to the Children, Youth and Families Act 2005.

I guess there are a number of things in this that relate to access to information from the courts. It emphasises the importance of the principle of open justice and the free communication and disclosure of information in determining whether to make a suppression order, because I do note that Victoria does have a high level of

suppression orders, and requires the courts to give reasons when they do make a suppression order and also to include in any criminal proceedings involving sexual or family violence matters a victim or alleged victim of that offence.

This is a bill about our courts, and members have spoken somewhat around these courts. This principle has been around for sometime and has been widely debated. What I do want is to use this bill before the Parliament to talk about the case of Karen Belej, who came from my electorate and certainly from the perspective of the Mildura electorate's mind. The Karen Belej case is one that has caused considerable pain in my community as it has worked its way through a legal system. Brandon Osborn admitted to holding an unregistered handgun loaded with a single bullet to the head of Ms Belej, who was a family violence campaigner. They were in a relationship. He was initially charged with murder, but then accepted a plea bargain to being guilty of manslaughter, and then was sentenced to a maximum of nine years with a non-parole period of six. That is the basis of the court system that delivered that sentence. There was considerable concern in my community about the leniency of the sentence, and similarly, with a petition to the Parliament but also work done by the Director of Public Prosecutions, the case then went to appeal on the sentence.

Earlier this year the judges in the Supreme Court delivered their sentence. It was reported in the *Sunraysia Daily* back in August under the heading "Somewhat lenient" Brandon Osborn sentence for killing Mildura woman Karen Belej stays'. The report in the newspaper reads:

The killer of ... domestic violence campaigner Karen Belej will not serve more jail time after a push to increase his maximum nine-year sentence was dismissed in the ... Court of Appeal this morning.

Thirty-seven-year-old Brandon ... Osborn was jailed in September last year to a minimum six years behind bars after admitting to shooting dead Ms Belej at her Cardross home in May 2016.

Two of three ... judges rejected the grounds of appeal, saying that while the sentences imposed could be regarded as somewhat lenient, they were not outside the range of sentences available to the sentencing judge.

Dissenting judge ... however, concluded that the sentences were manifestly inadequate and would have resented Osborn to ... 12 years imprisonment with ... eight ...

That was the result of that appeal. This has been a very public case in Mildura. It has had a huge impact on the family, and the circumstances around that have been deeply felt in Mildura. No family should ever have to go through what the Belej family has.

Last evening the family informed me that it was their view that the Office of Public Prosecutions (OPP) will not be seeking to go to the High Court. That is again today causing some concern for the Belej family, who are not only seeking justice for Karen but do not want any other family to go through this and are seeking justice. Part of their communication with me as to why they wanted to go about this is, from an email from Chris Belej, because their desire as a family has always been to seek justice for Karen but also, and just as importantly, to improve the outcomes for a community when it comes to the review of the law with respect to reckless murder, and to secure improved outcomes for victims of crime generally within existing frameworks, particularly those that do not live within easy reach of Melbourne, and to enhance the plea deal management and review of processes with the OPP. These are justifiable requests of the Parliament, and I think that that is where this now lies. In order to get justice for Karen and for others we need to make sure that no other family has to go through this, and nor should any community have to go through it.

There were two aspects of this criminality. There was of course family violence and domestic violence. My community feel that for the crime the perpetrator has in fact escaped the proper purposes in this, so the family is upset with the law. As was said by the member for Box Hill in his contribution, this has exposed how weak the law is in this matter. We know under the separation of powers — and this is a simple explanation of it — that the Parliament makes the law, the police enforce the law and the court administers the punishment. The Parliament now needs to address matters in this case. What tends to happen with our legal system is that — and there are plenty of examples — the minimum sentence becomes the maximum sentence as we move through a system based on precedent, and in this case what was available to the judges is set in common law. So the Parliament must change the law to rectify this, and we have the means to do that; we are the law-setters. When, as the member for Box Hill said, the judiciary do not uphold the law in the manner that is intended by the Parliament, and the Parliament in turn reflects the expectations of the people, then we need to act. That is something that both sides of this Parliament need to do when we return in the next Parliament: to stiffen up these sentences and push the reset button.

This is someone who managed to plea bargain down from murder to manslaughter and then managed to get almost to the minimum sentence for manslaughter. There was a view amongst the community that there were few extenuating circumstances. When you put a gun to someone's head and pull the trigger that is a very conscious act, and it just goes beyond all of the

understandings that we have always had: you never point a gun at anyone whether it is loaded or otherwise — you never do that.

There is an area that we have discussed in this Parliament and passed legislation on recently, and that is the role of victims and parole. In this case the victims, the Belej family, should be notified when parole is applied for. This was a case where he was sentenced to nine years and was given six years non-parole. They should be able to make a submission on parole. I think to meet community expectations the Adult Parole Board of Victoria does need to consider whether letting someone out after a minimum of six years is appropriate. I know the parole board have a lot on their minds, but they also need to have the victims clearly in their minds.

The Belej family have been strong throughout this because they have had to be. They want their strength to be the catalyst for change, and it is change that must occur in this house. They now know that the change has to come from here, and Parliament should now deliver the change, as all the legal options have virtually disappeared for there to be justice for Karen Belej.

**Ms WILLIAMS** (Dandenong) (12:26) — It is my pleasure to rise in support of the Open Courts and Other Acts Amendment Bill 2018. To start with a bit of background and context to this bill, I want to take the chamber back to late 2016 when the government asked retired Supreme Court of Appeal Justice Frank Vincent to review the suppression order regime here in Victoria. Justice Vincent was asked to review the Open Courts Act 2013 and other Victorian legislation to consider whether the current laws strike the right balance between people's safety and privacy, fair court proceedings and the public's right to know.

The final report, the *Open Courts Act Review*, was made public in March 2018. It makes 18 recommendations for improving existing suppression laws. Fourteen of those were legislative recommendations and the remaining four were non-legislative recommendations. The government has given its support in full or in principle to 17 of the 18 recommendations, and one of those recommendations remains under consideration. The Open Courts and Other Acts Amendment Bill is the first step in implementing the legislative recommendations of the review and, as I have said, it implements seven, either in full or in part, of those recommendations.

The bill amends section 534 of the Children, Youth and Families Act 2005 (CYFA) to ensure that the

prohibition against the publication of the identity of a young offender applies as narrowly as possible to enable free reporting of court proceedings, and this builds on the recommendations of the *Open Courts Act Review*.

To touch on some of the key changes being made by this bill — and I will talk to a few of them in greater depth shortly — of those 18 recommendations of the review, the bill seeks to emphasise the importance of open justice under the Open Courts Act. It also works to prevent suppression orders being made under the Open Courts Act when provisions under other legislation apply. It requires courts and tribunals to give reasons for making suppression orders under the Open Courts Act and it enables suppression orders to continue until the determination of an appeal or unless varied or revoked by an appellate court. It enables the publication of relevant juvenile convictions of persons who continue to engage in serious offending as adults, subject to certain safeguards, and enables adult victims of sexual and family violence offences to speak more openly about their experiences.

That is the summary. In terms of a more detailed analysis of suppression orders, I know it was noted by the previous speaker that there is an expectation that the bill will reduce the number of suppression orders made by the Victorian courts and tribunals as a result of making, in particular, four key changes recommended by the review, which I would like to touch on in a little bit more depth than in my summary. To go to that, the bill implements recommendations 1 and 2 of the review to reinforce the importance of justice and make it clear that suppression orders under the Open Courts Act are only to be made as exceptions to the principle of open justice where necessary. This will ensure that courts do not make suppression orders too easily by applying a mere presumption in favour of openness, which is what the current law allows.

The bill also amends the Open Courts Act to prevent suppression orders being made when a provision in another piece of legislation prohibiting or restricting the publication of information is or may be applicable, which commits to recommendation 3 of the review. An example of a legislative provision is the statutory prohibition against the publication of the identity of a victim or an alleged victim of a sexual offence in the Judicial Proceedings Reports Act 1958. This change will essentially prevent duplication and in doing that will therefore also remove the number of suppression orders.

The bill partially implements recommendation 6 of the review to require courts to give reasons for giving a

suppression order under the Open Courts Act. By requiring courts to justify the making of a suppression order, the bill will ensure that orders are only made where and to the extent necessary, which also goes to that point about the reduction of the number of suppression orders being issued. The bill also implements recommendation 9 of the review to ensure that suppression orders made in a proceeding in a lower court will continue on appeal. This will reduce the making of suppression orders which essentially protect the same information from disclosure, so going back twice somewhat unnecessarily.

Recommendation 13 of the review recommended the discretionary disclosure of relevant juvenile convictions of adult offenders where they show a continuing and perhaps an entrenched propensity to commit serious offences. The review noted that such disclosure should be subject to appropriate safeguards and constraints. The bill amends the CYFA to give a judge of the County Court or a judge of the Supreme Court sentencing an adult offender the discretion to publish the juvenile convictions of that particular offender. A court, however, may only disclose the juvenile convictions of an adult offender where the adult offending is the same or of sufficient similarity to the child offending or where the adult offending is serious and where it is appropriate in consideration of the offender's previous criminal history and prospects of rehabilitation. The terms 'sufficient similarity' and 'serious' have not been defined in the legislation, which will enable the courts to apply their discretion in the circumstances of an individual case. Once a person's juvenile convictions are disclosed in sentencing remarks, secondary publication of those convictions by the media will be allowed.

I also want to look at how the changes to section 534 of the CYFA make it easier to report on children's court proceedings. Currently section 534(4) of the act deems certain particulars as likely to lead to the identification of a person for the purpose of prohibiting the identification of a child or other party to a proceeding in the Children's Court. Section 534(4) is broadly framed and includes particulars such as the physical description or the style of dress of the person as well as their perhaps political, philosophical and religious beliefs, and some of the listed particulars may not identify a child in every case. The bill amends this provision to narrow the scope of particulars deemed likely to lead to the identification of a person to the name of the person, the name of the relatives of the person and the name and address of their place of residence, employment or education.

The bill will ensure that in the case of Aboriginal persons Aboriginal children cannot be identified by virtue of their identification with a member of their Aboriginal community, and this change will allow the media to report more freely on the court proceedings. However, there will be no change to the publication restriction itself in section 534. The media will continue to be prevented from publishing any information which is likely to identify a person whose identity is protected in the specific circumstances of the case.

Courts will be required to give reasons for the terms of a suppression order, such as its duration, grounds and subject matter, in the majority of cases. The only exception to this requirement is where an interim order or order revoking the suppression order is made or where to give reasons would render the suppression order largely ineffective. An example of a situation in which the provision of reasons may render the order ineffective may be where an order is made to conceal the identity of a police informer but disclosure of the fact that a police informer is involved at all would tend to reveal that informer's identity. A court also needs to give reasons for an order varying an existing suppression order provided the order specifies the purpose of the variation.

This bill before us makes a series of what I think are commonsense changes. It has obviously come in the context of a review that made some 18 recommendations, which this government has taken extremely seriously and sought to act on. This bill is a really important step in achieving these changes and achieving a better system around the use of suppression orders. As such, I commend the bill to the house.

**Mr PESUTTO** (Hawthorn) (12:36) — I am pleased to be able to rise this afternoon to speak on the Open Courts and Other Acts Amendment Bill 2018. It is a bill that, as the house has been advised by the lead speaker on behalf of the opposition parties, we will not oppose and are happy to support. We wish the bill had gone further to entrench more effectively the principle of open justice, but as far as it goes it is something we are quite prepared to support. I should say at the outset that I do look at the scheduling of this bill for the second-last sitting day of this house in this term and wonder why this bill was not brought in with greater urgency many months ago when it could and should have been addressed.

The level of suppression orders in Victoria has been a matter of increasing concern for some years now. In fact it is why the Open Courts Act 2013 was brought in by the previous coalition government, with the bill led by the then Attorney-General, the honourable member

for Box Hill. As he said at the time, the intention of the bill, among other things, was to improve public scrutiny of what goes on in our courts as a factor that promotes open justice, but it is something to be lamented that Victoria has led the way in the number of suppression orders ever since. It is hard to understand why that is the case. The bill and the supporting materials to that bill in 2013 which culminated in the Open Courts Act were very clear about what was intended. Suppression orders were not to be used to this extent. It was never contemplated that they would become so normalised in the system. I speak to many practitioners, victims and parties to matters before the courts who cannot understand why matters are subject to suppression orders.

There are of course very good reasons why suppression orders are used. There are times when you have to protect the identity of victims or parties to proceedings that might be at risk of serious harm if you do not suppress matters before the courts. But I have to confess, from what I have been told by many practitioners across the system, that I do wonder whether suppression orders are being granted more to shield court processes from property scrutiny than to serve those purposes, which we would all agree lie at the heart of suppression orders when they are genuinely needed.

It has become so bad that in 2017, as I understand it, Victorian courts issued 450 suppression orders in that year. The next highest jurisdiction was South Australia, and South Australia only issued 117 suppression orders. That is a massive disparity between Victoria and other jurisdictions. It ought to tell us that there is a problem — a problem that has been exacerbated by the advent in the last two to three years under this government of high-harm crimes that the Victorian people are not readily familiar with, particularly violent youth crime, gang crime, carjackings and home invasions, which members on this side have tried repeatedly to raise in this house on behalf of many Victorians who have been affected directly by these high-harm crimes but also the many thousands, indeed millions, of Victorians who are affected indirectly.

We encounter many occasions when the identities of very violent offenders and the offences for which either they have previously been found guilty, whether on conviction or otherwise, or they are facing serious charges are matters that are denied to the Victorian public. We think that is wrong as a general principle. As a general principle the system should be open and transparent, and it may well be that a member of the bench may feel that the list of charges or previous convictions in the case, say, of a repeat violent juvenile

or adult offender should be concealed from the Victorian people for fear that it might damage the longer term prospects of that person's possible rehabilitation. I do not think that is good enough. I think the Victorian people deserve to know, particularly when such grave matters are before the courts.

So this having been a problem for a while, the government did commission the very respected jurist and former Court of Appeal judge, the Honourable Frank Vincent, to conduct a review in late 2016. He produced his report, and the government sat on it. The government sat on it for many, many months. He made a number of very sound recommendations in that report which will go a great deal of the way towards remedying the current problems that we face, and yet the government sat on it — sat on it to the point where here we are on the second last day of this parliamentary term addressing this bill. The sad thing is that it will not pass. It will pass this house, but it will not pass the Parliament.

It is a bill we support. It is like the emergency workers bill, a bill that the government promised back in May to introduce with some urgency. I remember the Premier, one or more of his ministers flanking his side, in the presence of highly respected paramedics, police officers and other first responders saying that he was going to fix the problem. Whilst we might not have agreed on how far the government's bill was likely to go, we were always going to support anything which toughened up the law, and yet that bill is only now being addressed in the upper house. I think we are expecting it back in this house momentarily. So why did the government sit on this bill for so long? It is because the government cannot manage and has not been able to manage its legislative program.

It has botched its legislative program, and it does not really have a strategy or a plan for dealing with issues in justice — whether it is sentencing reforms, which took them over two years to bring before this house; whether it is trying to walk back the changes the government made to bail initially; or whether it is walking back the changes to anti-consorting laws, which it completely botched in 2015, or the move-on laws, which it had to address but, in order to save face, did so through the Control of Weapons Act 1990 as if that would conceal the humiliation of having to walk back changes it made in 2015. It completely messed up the program. So here we are with a bill that is not going to pass this Parliament. It needs to be done, and if we are elected in November, we will certainly deal with this and we will deal with it with alacrity, because we understand how urgent it is.

We end this term of the Parliament with the Victorian people seriously doubting the credibility of this government and the ability of this government to manage justice issues. Whether the government would like to concede it or not, justice is a mess under this government — an absolute mess under this government. I have already mentioned that they fluffed anti-consorting laws, they fluffed move-on laws and they fluffed, completely, bail laws. Sentencing has taken forever for them to address, and even the measures they brought in run the risk that they will not lead to the change that is needed.

I say to everybody who will read about this debate and is following it online that this government cannot be trusted for another four years to oversee our justice system. The Premier and his faltering government should not be trusted with another four years. And to those watching, to those who will read about this debate, I urge you to consider this: let this government go; do not give this government another four years.

Look at what this government, under this bumbling Premier, did in just four long years. Look at the damage it wrought on our justice system. Look at the lowest level of public confidence in the justice system that our state has ever seen, and ask yourself: are you Victorians safer today than you were four years ago? Do you think our justice system under the Premier is being managed better today than it was four years ago? Do you think bail is better than it was four years ago? No, it is not. Is sentencing tougher? No. Do police have the powers they had four years ago? No, they do not have the powers they had four years ago. This government has messed up justice. This government does not deserve another four years after four long years of chaos, of indecision and of rampant ideology that has led to Victorian communities being exposed to violence and harm. Vote for a change. Vote for the Liberal-Nationals.

**Mr DIMOPOULOS** (Oakleigh) (12:46) — What a performance. It gives me great pleasure to speak on the Open Courts and Other Acts Amendment Bill 2018. But do you know, the member for Hawthorn is partly right. Yes, there is in some quarters a concern about crime — there always has been — but what he is frustrated about is that the polls came out some months ago and said that people still think that Labor is better placed to handle it, because it is. He is thinking about all those wasted question times where we have raised this issue, and it still does not resonate. We are still better placed to deal with the issues because we do not cut police and we actually do not fan the flames of racism like the Liberal Party does. I do want to actually talk a bit about —

**Mr Pesutto** — On a point of order, Acting Speaker, I am loath to interrupt my colleague in his speech, but I do take personal offence at the use of the term ‘racism’. I know that I do not, and I am absolutely confident that none of my colleagues over here, fan that. I do take offence, and I ask the member to withdraw.

**Mr DIMOPOULOS** — I withdraw. My reference was not to a particular member, but nonetheless I just want to cover off a couple of things that the opposition are polluting the debate with. The member for Hawthorn in his contribution just now said that we dithered on this report after appointing an eminent person like the Honourable Frank Vincent. The member for Essendon was correct in the fact that the member for Hawthorn could look at the other part of the equation, which is that his party is holding up 27 bills in the upper house. I learned, I think in year 10 legal studies, that in order for a bill to become an act it has to go through both houses of the Parliament. The member for Hawthorn’s team is holding up 27 bills.

Also, when you talk about us dithering, look at the record of those opposite. There were four years in which they lost government business program debates. They had a Speaker who had very little power. The then member for Frankston held the government to ransom. They achieved very little. In fact in the first couple of years of this Parliament I was used to getting up and saying, ‘I’m speaking on a bill that lapsed in the last Parliament’. We had to pick up a lot of the mess, but as the Premier said today in question time, one of the biggest messes we had to clean up was the big holes in the bail system. We had to clean up the bail and parole mess. Let us not forget really devastating, awful crimes like the murder of Jill Meagher. All those gaps in the bail and parole system that occurred under their watch we had to clean up.

I go back to the contribution made by the lead speaker for the opposition, the member for Box Hill, the former Attorney-General, who, as mild-mannered as he comes across in his contributions, used the phrase ‘explosion of crime’. It is uncharacteristic of the member for Box Hill to use such hyperbole in his contributions. There is a perception of being soft on crime. Just to remind the chamber of the reality of what the member for Box Hill should himself remember: crime started trending up in 2011. The previous government was in power —

**Mr Clark** interjected.

**Mr DIMOPOULOS** — The member for Box Hill says it was going up long before that. I trust the Chief Commissioner of Police. As a member of the Public Accounts and Estimates Committee I have heard him

describe firsthand the trending up of crime statistics, and it was referenced at 2011. In fact the previous government presided over probably the worst possible thing, and that is a 43 per cent increase in recidivism. For all the tough talk on crime, I would not be proud of a 43 per cent increase in recidivism.

The other thing we need to note is they are absolutely trying to create a binary public debate around crime. They are using the term ‘African gangs’ in a way that is unethical, untoward and which completely dilutes and pollutes the public narrative on crime. It absolutely pollutes it. It is not the truth and it never has been the truth. The truth on this issue is that crime has started to fall under this government for the first time in a decade. The other truth is that we have the lowest youth crime rate in Australia after the ACT. It is very, very convenient for them not to talk about that. Of course they would not.

The other thing I think we need to just remember when the member for Box Hill and the member for Hawthorn talk with such gusto about our record is that, as the Premier said today in question time, baseline sentencing was thrown out. Of course the member for Box Hill talked about potential appeals and all the rest of it. It never happened. The sunset of that period of public policy in Victoria was an embarrassment to that government. Also embarrassing to the now opposition was the interview by Neil Mitchell attended by the Attorney-General and the shadow Attorney-General. I watched via the cameras in the studio. The member for Hawthorn was asked, ‘Are they really mandatory? Are there any exceptions?’, and he said, ‘No, you can’t have a system where there are no exemptions’. This is exactly why he gets the tag of Mr Not Quite Mandatory.

This is important because what happens is that they pollute the public debate with untruths, and people have a right to know the truth. The truth from our perspective is that this bill that we are debating today is a proud addition to an already considered and fairly complete framework to improve our justice system, to make it stronger and to protect victims.

Open courts are obviously critical to the trust and confidence the public has in the criminal justice system. They are obviously critical. This bill seeks to restore the balance of open courts and limit the use of suppression orders through the changes that have been outlined by both the Attorney-General in his second-reading speech and by colleagues on my side. For me this is a proud legacy for the criminal justice system of this government — not just this bill but all the other bills that we have debated. These include the Victims and

Other Legislation Amendment Bill 2018 that I spoke on the other day, which protects victims in terms of them not being considered to have committed a criminal offence just because they were under child welfare protection in the day. It also includes the Justice Legislation Amendment (Victims) Bill 2017 that related to intermediaries and helping vulnerable people communicate more effectively and fulsomely in a courtroom.

The one I am proudest of in protecting victims is the redress scheme. Victoria was one of the first states to sign up to the redress scheme. There is also the victims bill, which I think I also had the pleasure of contributing to, and the greater assistance we provide to victims through the enhanced powers of the victims of crime commissioner and the enhanced funding of the Office of Public Prosecutions. I also understand we have increased the funding to every single jurisdiction in Victoria, and we have also committed to a far more balanced and representative court system through the aspiration to achieve 50 per cent gender diversity in Victorian courts.

We have not cut TAFE; we have restored TAFE. We have restored police numbers. In fact we have gone above and beyond in restoring police numbers — 3135 above and beyond attrition. We have invested \$705 million in this budget in drug and alcohol and mental health services. We have closed the loopholes in parole and bail that those opposite left open. We have done a whole range of things, and this bill is yet another example of the care we take to strengthen our justice system and to strengthen protections and confidence in the justice system by ensuring open courts are actually open and we limit secrecy and suppression orders. We have done a whole lot more in terms of the social aspects of civil society in Victoria, which limits the amount of people being dragged into the criminal justice system. I recommend the bill to the house.

**Mr McGuire** (Broadmeadows) (12:56) — The Andrews Labor government is overhauling Victoria's suppression orders to make it clear that suppression and closed court orders are exceptions to the principle of open justice and should only be made when necessary. The government is committing to ensuring that our courts are open and transparent and that the laws protect the public's right to information. This is a critical first point, but I do want to address some of the other issues that have been raised, because they go to the bigger picture issue of the politics of what is going on.

The opposition is trying to aggregate anxiety and fear, because that is all they have got. There is no big picture. Worse, they are doing revisionism; they are trying to

rewrite what actually happened. The reality is that the Andrews Labor government is implementing Victoria's largest suite of legislative measures to crack down on serious offenders, toughen sentences for serious and violent crimes and increase consequences for young offenders. The raft of reforms is required to address the historic neglect and the failures of the previous administration — the one-term coalition government in particular — and baseline sentencing is the case that we should actually really examine, but let us do it according to the facts, not the alternate facts. They used to be dismissed as propaganda.

I will remind the house that the Court of Appeal in Victoria wrote off the Napthine government's baseline sentencing scheme and described it as — and I am quoting them — 'incapable of being given any practical operation'. They further remarked that it had an 'incurable defect'. Think about that: an incurable defect; it did not work.

**Mr Pesutto** interjected.

**Mr McGuire** — We can hear the member for Hawthorn still griping about it. This is the decision that was made.

**Mr Pesutto** — It was wrong.

**Mr McGuire** — Are you trying to say it was wrong? No, this was the decision, that it had an 'incurable defect'. I cannot remember a more damning verdict by the Court of Appeal in the state of Victoria. There is no use having an academic argument and saying we should have taken it to the High Court. The Andrews Labor government, under the Attorney-General, had to actually get something done that was practical and enforceable — and that is the difference. This is a whole raft of different legislative amendments and an agenda to actually address these issues; that is what this government has done. The crime stats are coming down, but the opposition wants this ultimate narrative, this proposition that is no more than propaganda. All they are wanting to do is beat the drum on this between now and the election on 24 November. Are we actually addressing these critical issues? That is really what I think we need to go to.

Baseline sentencing was seen as being overly complex in the modelling. It relied on comparative statistical analysis. Baseline sentencing was expressed by reference to an abstract future statistical point — to go to the detail — whereas standard sentencing is a legislative guidepost that courts must take into account when sentencing an offender. The baseline sentencing scheme did not provide a mechanism or guidance to the

courts for the achievement of the baseline medium. In November 2015 the Court of Appeal held that it was 'incapable of being given any practical operation'; that is a direct quote. It did not work. It could not be enforced, so let us not have amnesia. Let us not accept the revisionism that the coalition has come with here today and is trying to re-prosecute, because it was wrong and it was ruled out. It was dismissed.

**Sitting suspended 1.00 p.m. until 2.01 p.m.**

**Business interrupted under sessional orders.**

## GRIEVANCES

**The SPEAKER** — The question is:

That grievances be noted.

### Ripon electorate

**Ms STALEY** (Ripon) (14:01) — I rise to grieve for the people of Ripon for the final time of this Parliament. I have plenty to say today. I will be going the full 15 minutes, and if I could do 40 I would, because as we sum up the failures of this government in relation to Ripon over the past four years there is certainly a lot to talk about.

I will start, unfortunately for the people of Ripon, with crime. Just today, if anyone wants to go to the *Ararat Advertiser* website, what they will see is three or four stories about crime that has happened in the past couple of days. That is perhaps not surprising given that the most recent crime figures show that offences are up 21.5 per cent in the Rural City of Ararat since this government came to power. What we are seeing is an absolute uptick in violent crime. Today in question time the Leader of the Opposition asked about a particular crime in Ripon which happened on Monday night. It was a home invasion. The words 'home invasion' and 'Ararat' are not words that ever went together before. We never had that sort of crime in my part of the world, but now under this government we do. We had four uniformed and masked invaders come into somebody's home, assault — by tying up — the female resident and belt up the male. He has significant injuries.

But that is only the latest in what has unfortunately become a pattern. On 10 September we had a person in St Arnaud who assaulted a paramedic. Again, that is not the sort of crime that we have previously seen in St Arnaud, yet in this term of government not only have we seen a paramedic assaulted in September but not that long ago, maybe 18 months ago, the St Arnaud police station was entirely trashed by an offender who got in

and broke every single pane of glass, including mirrors. Every single room was destroyed and had to be rebuilt.

The crime tsunami that this government has overseen is now in country Victoria, and we have got to ask ourselves: why would that be the case? Why has it spread to country Victoria? As soon as you look at the police numbers it becomes obvious. What we have seen is frontline police removed from country Victoria. There are fewer frontline police — for example, in the Ballarat region — than there were in November 2014. It is all right for the government to say, 'Well, we've put police into task forces'. I am sure those task forces do good work, but the trouble is that we do not have enough police on the beat to stop people's homes being invaded, to stop people being assaulted and to stop the level of crime that we are seeing in our communities.

Another one: a man has been left with permanent brain damage after being attacked while walking his dog in Ararat. That person spent 28 days in hospital and now has permanent brain damage. I do not want the Parliament to think that it is only Ararat; unfortunately it is throughout regional and country Victoria now. These are crimes we did not see before. These were ones that we would watch on our television screens occurring in Melbourne and say, 'Isn't Melbourne a terrible place for crime? Isn't it awful that they've got all of those crimes out of control and people are living in fear?'. And yet what do we see in our community? That is what is happening here and now in the Ripon community.

If we move past crime onto the horrific cost of energy prices that people in Ripon are experiencing, over and over again I hear of people who are not only doing it tough but they have really been forced into poverty because of massive increases in their energy prices. When you have a \$500-a-year increase in your energy price and you live on the aged pension, the only thing that can go is food. You have got no other way to cut your expenditure. That is what we are seeing in Ripon. We are seeing people who are increasingly asking for charity, for food. They are increasingly turning to charitable organisations to help pay their power bills, and then when all of that fails it is cold in my part of the world in winter so they stay in bed. They stay in bed with the electric blanket on because that is the cheapest way to stay warm rather than trying to heat the whole house.

Now, what does that say to us as a society, that we are allowing aged pensioners, legateses and people who are veterans to live in these circumstances because this government could not and cannot come up with a decent energy policy that actually keeps the prices low



and instead set out on an ideological mission to shut down Hazelwood and lose 22 per cent of installed power overnight — the results of which we see?

Diesel generators are being brought in again for this summer. We see continued high prices. And now the government thinks the answer to this is some sort of pink batts solar scheme. Over and over, my office is being contacted by people who are saying, ‘Well, who are these people ringing us all the time, trying to get us to install solar?’. It is starting already. This is the same as what happened in the Rudd Labor government’s pink batts scheme, and we will see the same thing happen in Victoria, because it is already happening in Ripon.

I now turn to something that people in my part of the world have been crying out for: an integrated decentralisation policy. People in the country know that one of the ways that they could do better is if they had more population. So they are looking for a party, or someone who is going to form government, that takes that seriously. I have been delighted, I may say, to be able to put to the people of Ripon that an elected Guy government will deliver passenger rail to Donald via St Arnaud and Dunolly. It will be on standard gauge. It will be in the next term of government. We are absolutely committed to delivering rail to Donald, giving the people along that line the option to get to Ballarat to go to a doctor’s appointment or perhaps go to university. All of those things are opened up when there are regular rail services, and we will deliver them.

Similarly, we know that the Ararat community has been asking for a service that comes from Ballarat to Ararat early in the morning. There are several services that go the other way, but only we have said we will deliver a new service that goes into Ararat every weekday morning. While I am on rail, we have also announced that an elected Guy government will fund the business case that the Western Rail Project councils have been asking for. They have repeatedly asked for \$4 million to fund the business case so that we can look at getting rail back — in my case, to Stawell.

Having regular passenger rail to Stawell would be a great shot in the arm to Stawell. Stawell has done it tough in recent times and continues to do it tough. They were cruelly led down the garden path by the Premier when he was the opposition leader in November 2014, when he went to Stawell. He explicitly promised the people of Stawell. He broke it down: he said where the jobs would come from, that his government would create 440 jobs for Stawell. He has not created 440 jobs for Stawell. There are fewer jobs in Stawell now than there were in November 2014. The Premier lied to the people of Stawell, he really has not —

**The SPEAKER** — Order! The member knows that she is using unparliamentary language. The member has been warned.

**Ms STALEY** — Speaker, the Premier misled the people of Stawell. He went to Stawell and he made an explicit statement that there would be 440 jobs for Stawell, and there are none. There are fewer people employed in Stawell now than there were in November 2014. And the Premier fails to deliver any hope for the people of Stawell. There has not been anything he has done that has delivered for that part of the world.

So as we come into what the Leader of The Nationals would call ‘time on’ in this term of the Parliament, we see that on the things that matter to the people of Ripon — whether that is being safe in their own homes or being safe in their communities — this government has not delivered for them. Whether it is cost-of-living pressures and keeping them under control, keeping their power bills down or giving them some sort of dignity of life on the incomes that they have — fixed incomes — this government has not delivered for them.

And the government certainly have no plans to decentralise the population into places like Ripon, which are absolutely crying out for additional population — no plan to deliver that. We, on the other hand, have a great set of policies that address all of those things. Whether it is insufficient bail conditions, whether it is lax sentencing or whether it is getting more police into our regions — we have announced an additional police station will be built for Creswick because we understand the one there is just not up to scratch. On all of these things, we have listened to the people of Ripon and we understand that is what they are asking for.

I suppose I would say the final one on the list of those things that the people of Ripon are concerned about from this government is how they have treated the Country Fire Authority (CFA). There are over 100 brigades in Ripon. All of those are volunteer brigades. Every single one of my volunteers tell me over and over again that they just want to get on with fighting fires, protecting their communities and being a part of the CFA in the way it has been for 50 years.

And yet this government is absolutely committed to destroying the CFA, because they are beholden to one man. There are beholden to the secretary of the United Firefighters Union (UFU), and he has absolutely set out to make sure that what he wants, it gets delivered. This government has bent over backwards time and time again to give Peter Marshall what he wants. From the time when Peter Marshall, prior to the 2014 election,

put his UFU members in made-up firefighter uniforms and stood on polling booths intimidating our candidates and our volunteers, he has demanded payback. He believes he delivered government in a couple of those seats. I suspect that old truism that 'victory has many parents' has something to do with it here, but he believes it, and he has held this government to ransom for four years. And he is still doing it.

We still have not seen the report into bullying in the UFU. It is never going to see the light of day under this government. We still have a bill in the upper house which, if this government is re-elected, will be brought back in and we will see the CFA in this state destroyed. My brigades — the brigades in Ripon — that have served the community and kept them safe for so long have made it entirely clear. They have protested on the steps of Parliament House. They have protested whenever the Premier came to Ripon. They have constantly and repeatedly said that they do not want this bill. They do not want the CFA broken up, and they do not want any of the things that this government is proposing for the CFA. Yet this government continues on this path.

When we come to 24 November, which is a date fast approaching, the people of Ripon will be pretty clear. They are pretty certain that this government has not delivered for them. They are very, very clear that the things that matter to the people of Ripon have not been delivered by this government. They are continuing not to deliver on the people of Ripon's wishes because they are now not standing up for bush users, which is another large group in Ripon, who want access to state forests retained. The Labor candidate has nothing to say on that. She is hiding away behind a statement from the Minister for Energy, Environment and Climate Change. She will not stand up and talk to the people in Ripon. In fact when asked directly, she is very derogatory about particularly prospectors. Well, these are the people of Ripon. These are the things they want to do: they want to go to the bush; they want to prospect; they want to ride their horses; and they might want to shoot some feral deer or some feral pigs. That is what they want to do. But Labor has no answer to that. They are not interested in those people. I am, and I stand up for them.

### **Ivanhoe electorate education funding**

**Mr CARBINES** (Ivanhoe) (14:16) — I grieve for my constituents in the Ivanhoe electorate who face the potential of cuts to the education budget if a Liberal government was elected to represent them in the Victorian Parliament. Ivanhoe residents of course understand the investment we have seen in education these past four years under the Andrews Labor

government. I quote in particular from the *Age* of 30 January 2015:

James Merlino is confronting a big challenge: to resuscitate Victoria's run-down education system, its 1526 public schools and the state's embattled TAFE institutes.

This system collectively suffered budget cuts of more than \$2 billion —

\$2 billion —

during the previous coalition government's four-year term.

Let us just have a look at what that means across the Ivanhoe electorate. It was ignored by those opposite under the two premiers, Baillieu and Napthine, when they led this state. The Ivanhoe electorate was ignored when it comes to education, with only one school receiving any capital funding in the four budgets of the previous government — about four or five months before they were turfed out. But to say that people in the Ivanhoe electorate — our families and our schools — were ignored is not quite true, because the Liberals did not ignore cutting TAFE. The Liberals did not ignore them by closing down the Greensborough campus of the Northern Metropolitan Institute of TAFE, as it was then known, now Melbourne Polytechnic. The Liberals did not ignore them when they introduced car parking fees at the West Heidelberg campus of Melbourne Polytechnic so that tradies and students who want to go there to study had to pay to park at an education institution. Fees were introduced in West Heidelberg by those opposite when they were on the Treasury bench. Their answer was to screw TAFE organisations and cut their budgets, which made sure that the only way TAFE was paid for was by screwing them into the ground. They made sure that TAFE students trying to get a start, working part-time as apprentices, attending their training at the West Heidelberg campus of Melbourne Polytechnic, had to pay for the privilege to just park their workplace vehicles and utes while they attended their courses. That is what those opposite did when they were last in government. I do grieve for my Ivanhoe constituents who may face the threat of those cuts once again.

The performance of this government stands in stark contrast to the four years those opposite had to invest in schools in the Ivanhoe electorate. We have a very diverse education offering across the Ivanhoe electorate, whether they be private schools like Ivanhoe Grammar or the Catholic school system, which has a well above average enrolment across the electorate, with amazing schools like Our Lady of Mercy College in Heidelberg and the many Catholic primary schools that operate across my electorate. It was a Labor government that introduced a partnership with Catholic

Education Melbourne — a capital program for joint funding to invest in Catholic schools. At St Martin of Tours in Rosanna there was a \$3 million joint project for nine new classrooms to be built. They will be completed and occupied in November this year. It was a joint project funded between Catholic Education Melbourne and the Andrews government. It is a project that will benefit over 500 students in the Rosanna parish of St Martin of Tours in my electorate. That just shows the collaboration between Catholic Education Melbourne and the Andrews Labor government.

It also benefits the Mother of God parish in East Ivanhoe, which currently, while their school has closed, are entering into contract negotiations to lease the Mother of God school site to their neighbouring school, East Ivanhoe Primary School, so it can expand its services for the community into the Mother of God school site, which includes grade B facilities funded by the previous Rudd federal Labor government. This means the services are not lost to the community. It allows East Ivanhoe Primary School to expand. A payment will be made of course for that long-term lease from the Andrews Labor government to the Catholic parish in East Ivanhoe. It is a win-win for the community that not only allows Catholic Education Melbourne and the local parish to receive an income to maintain those assets and to provide an income to the parish that serves the local community but also allows the expanded East Ivanhoe Primary School to use those educational facilities next door rather than having them put to waste. These are the collaborative opportunities that come from a great relationship that the Andrews Labor government has with Catholic Education Melbourne, which provides a link in terms of the recurrent funding arrangements we have between the state government and Catholic Education Melbourne. Year after year, budget after budget, the Andrews Labor government increases recurrent funding for state education, but also brings up a tied grant and a tied funding stream to Catholic Education Melbourne.

That is another example of how we are working to make sure that schools across our electorates are being protected and supported regardless of whether a family chooses to make a contribution to their community, above and beyond what they pay in their taxes, to send their kids to a Catholic school in the Ivanhoe electorate, where they have many choices. People are concerned. School principals are concerned and school communities are concerned about the ridiculous meanderings of the federal government when it comes to providing some certainty for Catholic education funding for schools across the Ivanhoe electorate.

I quote from a media release of 24 August 2018 from the Catholic Education Commission of Victoria:

For the past 15 months Catholic school families have demonstrated their deep concern at flawed school funding policies, as seen at the Batman and Longman by-elections.

We look forward to a new approach from government and have issued a number of papers over the past 18 months that will be able to assist Mr Morrison and his education minister.

But of course we had not heard anything from those opposite in trying to hold to account their federal Liberal counterparts in government and about how they could give some funding certainty to families in the Ivanhoe electorate who are making decisions about where to send their kids to school or who have already made a contribution and a commitment to send their kids to Catholic schools in the Ivanhoe electorate. They do so well above the average of other electorates across Victoria. They face funding pressures and uncertainties because the Liberal opposition here, led by the Leader of the Opposition, refuses to hold to account their federal mates in Canberra to make sure that there is some funding certainty for families in Victoria.

The Andrews Labor government has made it very clear. The Deputy Premier, who is the member for Monbulk and the education minister, has made it clear that we will not be signing up to any arrangements that disadvantage families in schools, whether they be Catholic, private or government schools, in Victoria. We have a very long history of those opposite being silent when it comes to providing funding for schools and holding the federal government to account to make sure that their funding arrangements do not disadvantage families who already have their kids enrolled — whether they be in grade 3 or grade 5 or year 7 or year 9 — and who have made a contribution and a commitment to a Catholic education in their local schools. What are those opposite doing to hold the federal Liberal government to account, to make sure that those decisions that they have made are not going to see them financially penalised? We have heard nothing from them in relation to those matters, nothing to hold people to account.

I can say in relation to capital works and education in the Ivanhoe electorate that we have not had one commitment, not one cracker, in eight weeks. We are on pre-poll in the Ivanhoe electorate and right across the state and people will be coming in to vote and there has been not one cracker from those opposite committing any financial capacity to invest in schools in the Ivanhoe electorate — not one cracker. They think that they can slink into office without being held to

account for making no financial commitments to locals in the Ivanhoe electorate.

I can say that we have committed \$11.5 million for Viewbank College, my old school, and \$4.9 million at Macleod College. There was \$6.38 million for Rosanna Golf Links Primary School that we reopened with that legend, the inspiring Professor Graeme Clark, AC. There is the regional deaf facility as well at Rosanna Golf Links, my daughter's school. There was a very significant commitment also from the school community that contributed funds for the synthetic surface across two basketball courts. It is a bit like what has happened at St Martin of Tours Primary School, where we have got a \$3 million partnership that includes half a million dollars contributed by the parish themselves to invest in local school facilities.

Next term we will see a \$2 million four-classroom facility open a term early at Ivanhoe Primary School. There is also the \$4.5 million for Ivanhoe Primary School's next stage that the school will continue to develop into the new year. My mother taught at Ivanhoe Primary School for very many years. We have a very strong commitment to education and understand in the Ivanhoe electorate what is required from local families. That is why at Olympic Village Primary School in West Heidelberg next term we will turn the sod on the \$6 million redevelopment of Olympic Village Primary School, a brand-new school to replace a run-down facility that does not meet community standards.

That brings me to investment decisions that those opposite seek to make in relation to the Ivanhoe electorate. Just the other week we saw the Leader of the Opposition at the mall in West Heidelberg. I think he left the engine running when he pulled over to make an announcement of a mobile police van that would on occasions drift through the car park at the mall in West Heidelberg and that that would be part of a \$3 million broader commitment for mobile police services across Melbourne.

**Mr Nardella** interjected.

**Mr CARBINES** — That's right. What I find astonishing is that there was no commentary from any of the traders in West Heidelberg, no commentary from any of the local community representatives in West Heidelberg. Do you know why? Because on the whole idea of investing in justice responses to uplift the community of Heidelberg, we moved on from that about 10 years ago. What the West Heidelberg community want to see the government invest in is a new school at Olympic Village, and we are doing that. They want to see investment in the Victoria State

Emergency Service (SES), and we are building a \$3 million new headquarters for the SES in West Heidelberg. They want to see an investment in public housing, and we have seen the new public housing redevelopments across the Bell Bardia and Tarakan estates. These are the sorts of investments in West Heidelberg that the community are crying out for. These are the sorts of investments that we are seeing.

They want to make sure that at the West Heidelberg campus of the Northern Metropolitan Institute of TAFE, now the Melbourne Polytechnic, they are not charging tradies to park in the car park because of funding cuts to the local TAFE by the previous government. After they have been at their apprenticeships in the morning those tradies are on their way to do their study where they are meant to be learning. These are the sorts of services they want. They do not want a justice-led response. They do not want people who think they can breeze in somehow, talk down the local community, instil fear and say, 'Don't go anywhere near the mall in West Heidelberg; it's not safe'. That is just rubbish. They are not the conversations that we are having with people in the community in West Heidelberg. That is not the sort of investment that they are looking for. It is investment in the future, in their families — in their kids, in their grandkids — in their school, a school that then becomes the hub for a range of other community activities and events. That is the sort of work that we are doing. I am looking forward to seeing the Treasurer out there on Friday at the community health service in West Heidelberg. That was built of course by the previous Bracks Labor government. It is an absolute beacon of support and hope for locals in the West Heidelberg community.

This goes further of course to other investments in education that we are seeing across the Ivanhoe electorate. There has been a \$3.47 million investment at Banyule Primary School, where they will start by turning the sod and getting to work in the next term. We have done the broader master planning for that very significant project that needs to be undertaken there. At Fairy Hills preschool in East Ivanhoe there has been several hundred thousand dollars for the redevelopment.

Can I say again that I am concerned for the very many public sector workers in the Ivanhoe electorate who made a commitment in their working lives to other people in Victoria. They have made a commitment to devote their working lives for the betterment of our state. The only threat that they have to their opportunity to make that lifelong commitment in the workplace in their community is a Liberal state government that

seeks to cut those services, to undermine their capacity to make a contribution for the betterment of other Victorians in their community.

When we talk about cuts to services we also need to understand that the cuts go also to mandatory heights and the local environment department in relation to planning matters. What we have seen is the Ivanhoe structure plan to protect our community from dodgy developers. We have an Ivanhoe structure plan that we had fought for and worked for since 2011 endorsed by the community and the council in 2012. The previous planning minister and the previous Liberal government refused to make that Ivanhoe structure plan mandatory. They were mere guidelines and they were ignored by developers while that government looked after those on the other side of the river and made structure plans there the law.

When Labor came to office we protected the Ivanhoe community. We made that Ivanhoe structure plan interim and mandatory. I am looking forward to hearing further from the Minister for Planning on how we will lock those interim mandatory heights into law ongoing so that again we protect the Ivanhoe community, its livability and the contribution it makes to all Victorians.

### Mildura electorate

**Mr CRISP** (Mildura) (14:31) — I rise to grieve for Mildura and for the Labor failures of the past four years in the Mildura electorate. The Murray Basin rail project, something that was funded by The Nationals state and federal, has been a botched project. It is a \$440 million to \$460 million project that was to deliver standardisation and 80-kilometre-per-hour, 21-tonne axle loadings to north-west Victoria. It was going to bring our rail freight network into the 21st century, making it fit for purpose for the economies. It is now running two years behind schedule and is rumoured to be \$130 million over budget.

This has gutted my community because it was offering effective and economic ways to move our exports from Mildura through the port of Melbourne in particular and to move our grain through the ports of Geelong, Melbourne and Portland. Eighty per cent of what Mildura grows in our region is exported, and therefore getting our product out of our local area and into the markets that it needs to go to is everything as far as our community wellbeing is concerned. Labor cannot manage dollars, but we also know that they cannot manage projects after the disaster that has befallen the Mildura railway line.

I also grieve for the cost of living. That is something that amongst the ordinary people out there comes up regularly in my offices. Energy and rates are the two areas that come up the most, but there is also rent. For various reasons, rental availability is difficult in Mildura. On energy it is the cost of energy. The forced closure of Hazelwood is seen very much by my community as one of the reasons that there has been a spike in energy prices. That was not a well-managed exit of a coal-fired power station, and it makes people extremely nervous going forward in the future about how that transition will be managed and how price spikes can impact on everyday living costs, including their groceries. So that is an ongoing concern about the cost of energy not only to our constituents but also to the many businesses that operate in the Mildura region.

The ‘no new taxes’ is certainly one that has rung very strongly through people’s minds. There has been the increase in stamp duty for off-the-plan buildings, but also the bolstering of land tax to have annual valuations has impacted on rates, particularly on farmlands. That is something that the Victorian Farmers Federation has been very strong on in its campaign around finding a better way to manage rates in rural areas.

The Country Fire Authority (CFA) has also been a large concern of those in my electorate. It is rural Victorians looking after rural Victoria. There are 60 000 volunteers across Victoria, and there are fire sheds right across the Mallee. Not only does the CFA protect its own community but in many cases the fire shed is all that is left of a community that has changed over the decades. It is the only structure with a name left on it. They have developed that culture of helping each other and looking after each other, and the CFA remains a core in those communities. It is a very much a concern that we have had this long period of uncertainty over the role of the CFA and the country volunteer.

Crime is another concern. I guess when it comes to crime in our community it is about lenient sentences, it is about the way victims of crime are treated and it is about bail laws, and in Mildura’s case it has been very much about the Belej case. These weigh heavily on their minds, but in my community they just do not want to wake up to the stories of carjackings and home invasions that are happening in the bigger cities. Mildura people do not want that; they want a response that is appropriate.

The key to some of our economic success has been very much the need for decentralisation, and that is about making Victoria a state of cities, not a city state. That is the action that people want to see occurring in that area. There are a number of things that can be done

to overcome the rural divide. Probably the one that comes quite high on the list is roads. Roads are certainly key to country communication. Road funding and road maintenance has become a very large issue across our area. There was some interesting news coverage way back on 17 December 2014 in the *Sunraysia Daily*. There was an interview that was done with the new government about roads, and I will quote from the article:

A spokesman for Premier-elect Daniel Andrews has told *Sunraysia Daily* the government would spend \$1 billion on fixing regional roads, but wouldn't say which ones.

He said it planned to increase the proportion of fees and fines spent on upgrading roads in country Victoria and give priority to 'the most deteriorated roads and those with large amounts of traffic'.

It is only in the last weeks of this Parliament that we have even seen a bill talking about the proportion of fees that will come to us. In that time there has been concern over the Sunraysia Highway in particular and of course the Calder Highway. Both are major routes and have deteriorated during this term of government.

The other vital connection is with our rail line, which I spoke about earlier, being a freight line, and creating a pathway for the ultimate return of a Mildura passenger train. Again that is something that can help with decentralisation. There needs to be a commitment to build on that Murray Basin rail project to make sure that we can lay the foundations for the return of a passenger train in that northern corridor. I was far more confident that that would occur before we got news of the project problems with the Murray Basin rail. We have made a commitment of \$80 million to the Mildura line to make it safer for people in cars and trains as well preparing that line for the return of a passenger train. That is something I hope the Labor candidate now in Mildura will in fact make a commitment to.

There is also concern around some missing money in regional Victoria. When the Rural Finance Corporation was sold, \$220 million was set aside for the Murray Basin rail project, but around \$200 million of that went to consolidated revenue. That has stuck in the back of the throats of so many people in my electorate, as in, 'Well, where did that money go? Was it spent in rural Victoria, or did it go into Melbourne?'.

Similarly, the port of Melbourne sale had a legislative requirement of 10 per cent, around \$970 million, to be spent on rural economic and transport infrastructure, but that certainly has not been delivered in our community, particularly with the state of some of our roads. Where is that money? What has happened to it? I fear that we have not had an answer in four years; I

am not expecting one in the immediate future. There was also the promise of some maintenance money, which was a revolving door of around \$2 billion, for our highways.

People went in with great optimism, believing that there would be a great deal of work that would occur on the roads to improve communication and improve our economies. The roads that are of importance, particularly in my electorate, are the Robinvale-Sea Lake Road and the completion of the Hattah-Wemen road. Both of these roads are C-class roads, and their importance has changed with the expanding horticultural economy. They are now quite busy roads, with trucks moving on the Robinvale-Sea Lake Road, taking table grapes onto the Calder to take them to the port of Melbourne, and similarly with grain, as far as the Manangatang receival depots. These roads do need an investment in them, and it is certainly going to be high on our priority list.

When we look at budget blowouts with this government, again that is something that my community has counted the costs on. The West Gate tunnel, which began as a \$500 million project, went to a \$6 billion-plus project. The Metro Tunnel blew out from \$9 billion to \$11 billion. The level crossing programs blew out from \$5 billion to \$8 billion, and the north-east link blew out from \$5 billion to \$15 billion. That is a total of \$25 billion, a figure that most people cannot comprehend. To help people comprehend just how much this is, it is 25 Royal Children's Hospitals; 48 Bendigo hospitals could be built with the budget blowout, a new school is around \$17 million, a police station is \$14 million, an ambulance station is \$2 million and a Country Fire Authority-State Emergency Service hub is about \$1.3 million. So much could have been done if these projects had had their budgets controlled in a way to allow us to do far more.

As always, we fear with a Labor government that when finances get difficult they tend to work their way back to Melbourne, leaving the farther-flung areas of Victoria short of the investment they feel is needed to be a part of Victoria. Of course what does concern people and what I grieve for is the possibility of a Labor-Greens coalition and the tail wagging the dog, and the implications that will have on so much of our economy.

What is needed is the return of the country roads and bridges program for our smaller councils. The Yarriambiack Shire Council and the Buloke Shire Council have all indicated that it made a difference when that was in place. That is something that we have committed to return, to help those smaller councils manage very large road networks. The country roads

program, which was indicated would come from the port sale money, needs to actually be delivered to help with the economic and transport infrastructure.

We have committed \$80 million to rail to get that passenger line ready and to make it safer for freight. We have committed to a residential rehab, and we have also committed to the South Mildura sporting precinct. Going back to 20 December, the *Sunraysia Daily* ran a story headed ‘Mildura “on radar” for AFL’. Within that article is:

‘Labor will consider ... requests for funding from sporting facilities across Victoria’, he said.

‘The Andrews government will work with council, AFL Victoria and local football clubs on any proposal for an AFL-standard facility in Mildura’.

Mildura councillor —

now mayor, Mark Eckel, who held the sports portfolio at the time, said he was:

... ‘excited’ by the government’s response and said council would seek ... its proposed South Mildura —

sporting precinct as part of that funding opportunity:

‘We’re not far from being shovel-ready and we certainly will be putting it forward’, he said.

Well, here we are four years later, and I do not know what happened to that project. But I know what will happen to that project — that is, if elected, we will put \$10 million into that sporting precinct to try and make that dream of having an AFL-standard ground in the Mildura region.

This is a track record of Labor delivering for Mildura, which is not a very good one, and it is a track record that I think probably caused such a long delay in getting Dr Tony Alessi to accept the Labor candidacy for this electorate. Labor and Dr Alessi have much to do to reassure the people that Labor can do as they say and say as they do, because their record has certainly not supported that.

### Women in politics

**Ms WARD** (Eltham) (14:46) — As I start on the grievance debate I think it is important to also understand what you can celebrate, because understanding what you are happy about, the good things in life, helps you understand how important the things are that you grieve for. The first thing, Speaker, is that I suppose I do need to acknowledge the fact that you have done a good job as Speaker this term, and I thank you for your work.

**The SPEAKER** — I am not sure where this is going.

*Honourable members interjecting.*

**Ms WARD** — I also want to thank my parliamentary colleagues for an amazing four years of work. I have to say that I was working in the federal Parliament before I came to state politics, and what a contrast. What a contrast! This is a terrific place to work, and I have loved working with this government for the last four years.

**Mr Edbrooke** interjected.

**Ms WARD** — As the member for Frankston says, it is where the cool kids are. I have loved working with this government for the last four years for the things that we have achieved for this state. We have achieved a lot for this state. I will tell you one of the first things that we have achieved for this state. It is that we have got almost 50 per cent of women on this side, as opposed to the deficit of women on that side, where on their shadow ministerial seats the women are bookends. That is the way they treat their women. That is exactly the way they treat their women, and they should be ashamed of themselves. The fact that Liberal women in federal Parliament are wearing red to protest the shoddy way that they are treated by the men in their party is not just ironic, it is tragic — and that you think it is funny is even more tragic.

**Mr T. Smith** — On a point of order, Speaker, I ask for that to be withdrawn. At no stage was there any indication of humour from me on any of the comments that she was making. I ask for that comment to be withdrawn.

**The SPEAKER** — The member for Kew has found the comments offensive. I ask the member for Eltham to withdraw.

**Ms WARD** — Thank you, Speaker. I withdraw, but I was talking about the Liberal Party collectively.

**The SPEAKER** — The member for Eltham to continue.

**Ms WARD** — They should be ashamed, they should absolutely be ashamed, that they do not step up and ensure that there is equality on that side of the house. Until they do, they are not ready to govern. They are not ready to govern until they are ready to not only represent on the ground the people in this state but also within their ranks, to have full representation within their ranks.

For this I grieve. I grieve for the fact that those opposite still do not understand the importance of equality within their ranks. They do not understand this. It is clear —

**An honourable member** interjected.

**Ms WARD** — Well, poor Mary Wooldridge — member for Footscray, you are absolutely right. I can tell you who would have been a very good member for Kew — Mary Wooldridge would have been one.

*Honourable members interjecting.*

**Ms WARD** — I see that I am being heckled by the back stalls by someone who would not stand for Rosie Batty.

**Mr Watt** interjected.

**Ms WARD** — That is how much they respect women in that party. He would not even stand for Rosie Batty. And if you do not think that that is something to be ashamed of, you have got a lot to learn and there is a lot of growth that needs to happen over there.

I do celebrate the achievements of this government and I grieve for a party that has run rampant, that does not care about the damage that they cause as long as they are looked after and their mates are looked after. That is the primary cause of the Liberal Party. That is the thing that they fight for: they fight for themselves and they fight for their mates. We have got a Leader of the Opposition who sadly — and it is another thing I grieve for, because it is not good for democracy — has led his party astray. They are not on the shining path set for them by Menzies.

**Ms Thomson** interjected.

**Ms WARD** — Absolutely, member for Footscray, Dick Hamer would be turning in his grave. We have a Leader of the Opposition who is not only known for his lobster lunches but is also reported as having once been referred to in Parliament as ‘the Liberal Party’s answer to Bart Simpson’. We know the catchphrase of Bart Simpson: ‘I didn’t do it’. And then, ‘Nobody saw me do it; you can’t prove anything’. Well, guess what, there has been a fair bit of proof — and he did do it.

**Ms Thomson** interjected.

**Ms WARD** — That is exactly right, member for Footscray, he did do it. So I grieve for the possibility that someone who has been compared to Bart Simpson could actually be Premier of this state. How could you have Bart Simpson as Premier of this state? That is not what we aspire to, that is not what we want to see.

It has also been reported that the Leader of the Opposition has pictures of political idols in his office, people like Sir Henry Bolte — fair enough, fair call. But what about Joh Bjelke-Petersen? He was well known for his equality, wasn’t he? And democracy. He also has former US President Richard Nixon. Tricky Dicky! Who would want Tricky Dicky on their walls? Seriously, why would these be people to whom you would aspire? Why would these be people that you would look up to? This is not the company I would be looking for any potential leader of this state to keep. How anybody, whether Bart Simpson or not, would want to look up to those characters I do not know.

Joh Bjelke-Petersen was a disaster for Queensland and he took Queensland back decades. He held that state up. He did not do anything to advance anybody in that state other than the white shoe developers — his mates who were in his back pocket. That is who Joh Bjelke-Petersen looked after, the white shoe shuffle that shuffled all over Queensland and destroyed communities.

The article that I am quoting from goes on to say that:

Sweet tempered he is not. On the contrary, the former planning minister is notoriously hot-headed, frequently referring to the *Age* as the left-leaning hate media, plunging head first into Twitter brawls and lashing out at critics.

That is not somebody who can help build consensus, and as the member for Footscray points out, he has similar characteristics to Donald Trump. That is not the quality of leadership that anybody would be looking for.

You can see, Speaker, why I would grieve for the Liberal Party, that this is the leader that they have got. This is the person who is going to be leading them into the upcoming election. This is the person who was compared to Bart Simpson. This is the person who has Tricky Dicky Nixon on his wall. This is the person who has lobster dinners with someone Victoria Police calls a ‘person of interest’. This is the person who lacks judgement. This is the person they have all fallen behind, and this is the person who will lead them into this year’s election. This is the person who will be standing up before the people of Victoria saying, ‘Trust me, vote for me’. Would you vote for Bart Simpson, Speaker? That is a trick question; I do not think you would. I do not think anybody in Victoria would see the merit in voting for somebody like Bart Simpson. I do not think anybody in Victoria will see the merit in voting for somebody with the characteristics of the Leader of the Opposition.

We know he was the leader of the La Trobe University Liberal Club where he battled for voluntary student



unionism — of course he would. Of course he would not understand why student contributions towards services such as dentistry, mental health, health overall and subsidised food would be important. He would not understand the importance of collectivism because we know that the Leader of the Opposition is about the individual. He is not about the collective, he is not about community; he is about the individual.

He worked as a director of research in Kennett's private office. He is a protégé of Jeff Kennett, I think we can see that. He was also Denis Naphthine's chief of staff when Denis Naphthine was opposition leader. What a pedigree! You know what is interesting? He is very similar to the current Liberal candidate for Eltham, who not only learned his politics at Jeff Kennett's knee but was also the Leader of the Opposition's spin doctor when he was planning minister. Who would have thought? I bet you the people of Eltham, who love their green spaces, who love their green trees, who love their natural environment, are not keen on a developer's friend becoming their member. Indeed they are not.

And the irony of that is of course that the Liberal mayor of Nillumbik is Peter Clarke, and what is he doing at the moment? Peter Clarke was appointed to Places Victoria by the now Leader of the Opposition without any scrutiny, without any due diligence. There was an FOI done to try and find out how he got appointed. The word came back: 'Sorry, we can't find anything'. Nobody knew how he actually got appointed. What is the Liberal mayor doing in Nillumbik? What is he doing, member for Yan Yean? He is destroying the joint. How is he destroying the joint? He is trying to flog off every green space can find. Earlier this year he tried to flog off 17 blocks of reserves and parks within Nillumbik. The people said no. Now he is trying to flog off a hectare of land that includes Eltham preschool and the Eltham war memorial site. Why would you do that? Only a developer, only someone that was appointed by Matthew Guy, would think that that was a good thing to do.

**The SPEAKER** — The member will use correct titles.

**Ms WARD** — Apologies, Speaker, of course. Only someone appointed by the Leader of the Opposition would think that that was a good, fair thing to do.

I can tell you what. This is what I can tell you about how they treat women over on the other side. It was the women of Eltham who fundraised. It was the women of Eltham who had raffles, who had nights, who did all sorts of things so that they could fundraise to build the memorial hall and the kinder in Eltham. They were the

ones who built it together, and why did they build it? Because they knew how hard it was to be home during the war when their brothers, uncles and fathers were out fighting. It was the women who were home, who were keeping families together, who could have been earning bread, who were out there keeping their communities together. Those women banded together and they helped build these buildings. It is people like Peter Clarke who actually want to get rid of them, who want to flog them off to developers to build Taj Mahal hotels. This is not what my community values.

My community values the contributions of women. They value green spaces, they value open spaces and they value community spaces. It is the Liberal Party that does not value this. It is the Liberal Party that actually value-less. They have no values. They stand for nothing. My community is a micro example of their value-deficit zone, because along with their policy-deficit zone they are hollow. They have nothing to stand on.

How could you support a Liberal mayor in Nillumbik selling a kinder? We value early childhood education on this side of the house. We value community on this side of the house. Our community is not for sale, and it is not for sale whether you be Peter Clarke, whether you be the Liberal candidate for the electorate of Eltham or whether you be the Leader of the Opposition. My community is not for sale and Victoria is not for sale. We know that along with their commission of audit that is exactly what will happen should the Liberals be elected later this year. They will flog off this state, just as Peter Clarke is trying to flog off as much of Nillumbik as he can.

We know that our green wedges are under threat. We know the urban growth boundary is under threat. And how do we know this? Because the Leader of the Opposition said that he will release nearly 300 000 blocks of land.

**Mr Carroll** — Fast-track everything.

**Ms WARD** — He will fast-track everything — absolutely right, member for Niddrie — and he will be interventionist. So how can a fast-tracking interventionist Premier actually be fair?

**Mr Carroll** — Over the kitchen table.

**Ms WARD** — That is exactly right, member for Niddrie — over the kitchen table, just as we saw with Ventnor. We have seen the debacle that the Leader of the Opposition made over Ventnor. We have seen the debacle that the Leader of the Opposition made over Fishermans Bend.

**Ms Thomson** — In Footscray.

**Ms WARD** — And in Footscray, member for Footscray. He is a debacle. It is because, as I have said and as the newspapers have reported, this is a rash man. This is a man who goes out and makes rash decisions. This is a man who does not care about consequences. This is a man who does not care about community. He cares about himself and he cares about his Liberal mates, and we have seen this time and time again.

I can tell you that they can get their hands off the properties in Eltham, the green spaces in Eltham, the community spaces in Eltham. They can get their hands off my kinder, because it is not for sale. The community I live in is standing up and they are being heard, just as they did when they saved the reserves that the Liberal mayor, Peter Clarke, tried to sell earlier this year. They are standing up and they are saying, 'No, we are not for sale'. You will find that this is exactly what people will be saying on 24 November: 'This state is not for sale'.

This state wants to invest in TAFE, just as we have done. This state wants to invest in rail, just as we have done. This state wants investment in roads, just as we have done. This state wants investment in schools, just as we have done. This state wants investment in health, just as we have done. This state wants to invest in hospitals, just as this government has done. This state wants investment in ambulances, just as this government has done. This state wants investment in people, and that is what Labor governments do. They invest in people because we are the party of people, we are the party of working people and we are the people who care about the community. We will not flog it off to the highest bidder like those opposite will do.

### Government performance

**Mr WATT** (Burwood) (15:01) — I rise to grieve for the people of Victoria. It was interesting to hear the member for Eltham say that the Labor Party will not flog off this state after this year. They have the gall to stand here and say they are not going to flog off the state of Victoria when they have flogged off the port of Melbourne and they are flogging off the land titles office. After the last Labor government flogged off a bunch of schools they stand here and say, 'We're not going to flog things off'. It is interesting because I have referred a number of times to the amount of schools there were at the end of 1999 and the start of 2000, when the Bracks government was elected, and how many schools there were in Victoria in 2010, when Ted Baillieu was elected and when I came into this place. It would maybe surprise people to know, only because

those opposite do not know how to tell the truth, that there were actually 83 fewer schools in Victoria in 2010 when I became a member of Parliament compared to when Jeff Kennett was the member for Burwood. I got elected as the member for Burwood after 11 years of a Labor government — 11 years of Burwood being Labor — and there were 83 fewer schools in Victoria. So I grieve for the people of Victoria because we have a government that cannot be trusted and we have a bunch of people on the other side who do not know how to tell the truth.

We have a minister and a Premier who constantly say the police budget was cut under the previous government. But if you go and look at the budget papers, they actually show there was an increase in the police budget from 2010 to 2014 — an increase, not a decrease. So what I would say is: there we go once again — proof that we have a government that does not know how to tell the truth. We have a Minister for Police who says, 'The Burwood police station has not been closed'. Actually in July 2015 the hours of the Burwood police station were adjusted down to zero. It is not closed, but the only time the doors have actually been open since July 2015 is so that the cleaner can go in three days a week to clean the place. The hours have been adjusted down to zero since July 2015, yet we have a minister who refuses to accept the fact that the place has been closed. We also have a minister who refuses to accept that the Ashburton police station has actually gone from being open seven days a week down to two days a week. This minister is in denial.

We have a Minister for Roads and Road Safety who talks about roads and investment in roads, and yet there was a landslip on Warrigal Road nine months ago and it has not been fixed. He talks about jobs in road construction. Well, the only jobs in road construction in my electorate are for the guys standing there for nine months making sure people do not hit the barricades because they have blocked off half the road. Warrigal Road is two lanes either way right up until the guy who is standing there to stop you from hitting the barricades, and then it goes back to one lane either way. We have a government that does not care. We have a government which clearly is not focused on the things that need to get done — the basics, like road maintenance. We had a landslip nine months ago, on 19 December 2017, and still that road has not been fixed. It does show priorities — that simple road maintenance in the electorate of Burwood cannot be looked at and cannot be dealt with.

This Premier will be remembered for a number of things. Liberals sometimes get accused of having three-word slogans, but I have got a couple of

three-word slogans for the Premier. He said before the election, 'No new taxes', and quite frankly he lied. We have got 12 new taxes plus increased taxes. He said, 'No new taxes' — that is a three-word slogan for you. We have got another three-word slogan. He said, 'Not one dollar', about the east–west link. I am not quite sure whether I can say he lied about that because it was not \$1; it was \$1.3 billion to cancel the contract. The other thing this Premier will be remembered for is the red shirts rorts.

I know that people on that side do not like to hear this, but people in Victoria are suffering at the hands of this government. We have real issues around traffic, and I mentioned a particular issue in my electorate, which is Warrigal Road. It is not just that. The fact that the government did not invest in the east–west link but spent \$1.3 billion is a real issue. The fact is that crime has gone up. We have got some people running around electorates trying to say that members of Parliament might be cherry-picking, but if you look at the municipalities that fall within my electorate, we know that crime has gone up in Boroondara, we know that crime has gone up in Whitehorse and we know that crime has gone up in Monash. In Monash crime has gone up by 20.66 per cent.

It is interesting. I mention Monash and that in the last four years crime has gone up by 20.66 per cent because I know that the member for Mulgrave, the Premier, actually shares the City of Monash with my electorate. He has Monash in his electorate and crime there has gone up by 20.66 per cent. It was really interesting the other day, when I went down to Mulgrave and doorknocked in Noble Park, to find out that in the City of Greater Dandenong crime has actually gone up by 20.6 per cent there as well. It is great that the member for Clarinda is coming into the chamber because he appreciates that crime has gone up by nearly 21 per cent in Monash. I do not know whether Clarinda contains any of the City of Greater Dandenong, but once again there has been a nearly 21 per cent increase in crime over the last little four years under the Andrews Labor government.

Crime has gone up and the government does not seem to care. When I was down in Mulgrave doorknocking and having conversations with people down there they were feeling it just as much as everybody else. As for the issues that they are feeling, they raised with me the issues of crime and they raised with me the issues of just simply being able to pay your electricity bills because of the costs under this government. Crime and simple traffic measurement are some of the things they talked about. Congestion is a serious issue right across the state but in Mulgrave as well.

I was doorknocking in Carrum only on Monday. The conversation that was happening in Carrum was about the fact that once again, just like the Burwood police station and just like the Ashburton police station, the Carrum police station has suffered at the hands of this government. The Carrum police station has had its hours adjusted; if you listen to this Minister for Police, she might use the phrase 'hours have been adjusted'. I was speaking to the Liberal candidate for Carrum, Donna Bauer, who was a member in this place and in only a few weeks time will once again be a member in this place, and I look forward to having her join me in this place because the current member is deaf to the issues that are affecting her electorate.

One of the big things that I discovered down there was that once again crime in Carrum is a massive issue and not only that but so was the cut in the police station's hours. I know what it is like to be living in an area where your police stations have been cut and with a government that does not care, because in Burwood, as I said, we have suffered the same things. We have got a police station that has not opened since July 2015 and a government that refuses to acknowledge the fact that it has actually closed the station, and we have got another police station that has gone down to two days a week from seven days a week.

We also have quite a number of public housing issues in the electorate, the biggest one being that we have in my electorate the Markham housing estate, which the government have not been able to deal with. The government have not been able to work with the community to get a good outcome down there. I know that the minister does not like to hear this, but those in my electorate like myself appreciate public housing and the need for public housing. As a former public housing tenant, I understand what it is like to need housing and I understand that there are a number of people in my electorate who need public housing. It was very disappointing to have the Minister for Housing, Disability and Ageing present to my electorate a plan which would have seen a diminution in the amount of people that could actually be housed in public housing on the Markham housing estate. If we looked at the fact that —

**Mr Foley** — On a point of order, Acting Speaker, the honourable member for Burwood is being given substantial latitude, as is only appropriate in these kinds of debates, but the link between reality and contributions to this place needs to be at least a little bit in the same realm. For the honourable member to tell clear mistruths in his contribution here before us does him no good, does his contribution to the people of Burwood no good and does this place no good, so I ask

that you bring the honourable member back to the theme of the debate and for him to at least stay within the bounds of reality in his contribution.

**The ACTING SPEAKER (Mr Carbines)** — Order! Is the member for Burwood wishing to speak on the point of order or —

**Mr WATT** — No, because it is not a point of order. You should rule it out because it is ridiculous and stupid.

**The ACTING SPEAKER (Mr Carbines)** — I would ask the member for Burwood to take his seat, please, and I will rule on the point of order. I do not uphold the point of order at this time and I would ask the member for Burwood to continue his contribution on the grievance debate.

**Mr WATT** — It is the grievance debate, thank you very much. The minister is devoid of a sense of reality. If you look at the fact that on the estate there were 112 bedrooms, at no point has the minister presented my electorate with a plan which actually would have put 112 bedrooms into the Markham housing estate. The other thing is that the government have at no point decided to work with my electorate. I have raised a grievance debate about this particular issue only to have the Minister for Major Projects say that she is not interested in consulting my electorate: ‘No, we will not consult with your constituents’.

That is really, really interesting, because there are the two things that we have been asking for down at that estate. One, we actually do want some decent public housing down at that estate, and two, we actually do want the community involved and the council involved in a process where they are actually being heard, not one where the minister — or three ministers — will completely ignore them. The Minister for Planning is not interested. The Minister for Housing, Disability and Ageing is not interested. The Minister for Major Projects is not interested. But I tell you what, my electorate are interested. They are interested in the fact that we have a government that does not seem to care about the issues that are relevant to my electorate, things like Warrigal Road. Nine months! When will this government actually fix Warrigal Road so it can become a four-lane road?

**Mr Dimopoulos** — Why didn’t you fix it?

**Mr WATT** — The member Oakleigh says why don’t I fix it — really interesting. I am the member and I am in opposition, and when you ask why I didn’t fix it, it is because it happened nine months ago. There was a landslip nine months ago. The member for Oakleigh

says why didn’t I fix it. Warrigal Road had a landslip on 19 December 2017. There was a rain event. It washed half the road away. It washed the wall away. The only thing I could possibly have done to fix it was go down there myself with bluestone and put the wall back up. I would have had to physically get down there and do it myself because in the last nine months I have not been a member of the government. I find this really, really funny. I grieve for the people of Victoria and I grieve for the people in my electorate that we have a member of the government who seems to think that if Warrigal Road is not fixed — if I have not physically gone down there and put the bricks up myself — then it is my fault. You guys on that side are the government. It is your job to fix the problems, and we have myriad problems.

I grieve for the people of Victoria that we have a Premier who was involved in the biggest rort this state has ever seen and then tried to say the costs involved in chasing down those rorts are the problem of the opposition because we dared to question the government’s rorting. He says that because we found out the government rorted it is our fault that it cost us money to expose the rorters.

We have got a government that does not seem to grasp reality. We have got a government that does not care that energy prices are going up and people in my electorate cannot afford to pay power bills. And it is not just in my electorate. As I said, I have been down to Mulgrave. I doorknocked down there last week and I doorknocked in Carrum this week and they are telling me the same things about electricity prices. They are telling me their roads are no good and what they are telling me is that the government is no good.

### Opposition performance

**Mr STAIKOS** (Bentleigh) (15:16) — It is always a pleasure to follow the member for Burwood, who tells us he has been doorknocking in Mulgrave and he has been doorknocking in Carrum. Can I please put in a bid for Bentleigh? Can you come and doorknock for Asher Judah in Bentleigh? I would very much appreciate it.

I rise to grieve about what would happen to hardworking Victorians if the unthinkable were to occur — that is, the election of a Guy Liberal government. No knife would be sharp enough for his cuts to hospitals and schools. No penthouse would be high enough. No Lobster Cave would be big enough. No bottle of Grange would be cellared for long enough for his dodgy deals with Liberal mates and wealthy property developers. What happened in November 2014 is we inherited government from a mob that did

nothing for four years — a mob whose heart was just never in it.

The Liberals are born to rule, but do you know what? They are not born to serve. We saw that demonstrated in a monumental fashion by the way that they declared war, and indeed were at war, with the people Victorians hold in the highest regard. They are of course our dedicated paramedics, our firefighters, our teachers, our nurses and our police. Do you remember what they said about our teachers before the 2010 election? Baillieu made that big pre-election promise that Victorian teachers would be not the worst paid but the best paid. Of course that promise was never, ever kept. Under this government we settled the enterprise bargaining agreement (EBA) without one single day of industrial action. Not only that but this government is moving 2500 teachers from contract work to ongoing positions because we value their work.

Then we move to our paramedics. That perhaps was the most acrimonious war waged by the former government and the failed former health minister, the very unhinged David Davis in the Council, who used to routinely call our dedicated paramedics thugs —

**Mr M. O'Brien** — On a point of order, Acting Speaker, the member might be in his first term but he knows better than to speak about members of this or the other place in derogatory terms. I would ask you to require him to comply with standing orders.

**The ACTING SPEAKER (Mr Carbines)** — I just remind the house that of course making statements that impugn other members is not parliamentary. I ask the member for Bentleigh to bear that in mind in continuing his contribution.

**Mr STAIKOS** — Absolutely, and I certainly will not use the colourful language that Mr Davis routinely uses to describe other members of this chamber. He failed as health minister. He was our worst health minister. Staff morale in Ambulance Victoria was at an all-time low. He was at war with our dedicated paramedics. We settled that EBA. We funded 450 extra paramedics, and today we have the best ambulance response times on record. We have come such a long way.

The Baillieu government wanted to cut the number of nurses. That dispute was not settled until a member of the Baillieu family stuck his finger up at protesting nurses. That is exactly what they thought about hardworking nurses. We of course settled that dispute, and we enshrined nurse-to-patient ratios in law because

again this is a government that values the work that these dedicated people do.

The former government demonised our firefighters when in government, and they continue to do so in opposition. They undermined the former Chief Commissioner of Police. We, on the other hand, have funded an extra 3135 police compared to no new police from the former government, and our crime rate started coming down last year. Our crime rate was going up every year under the former government, but it is coming down under this government. That is the major contrast between the former Liberal government and this current Labor government.

Then we can consider all of the things that the people of Victoria associate this Labor government with greatly. They include the massive investment in infrastructure — a historic investment — where we are spending on average more than \$10 billion a year on the infrastructure Victorians need for the fastest growing capital city in Australia. We see that writ large with our level crossing removals. We promised 50 — 20 in our first term. The former government said it could not be done. By the end of the year we will have removed 29. Three of those are in my electorate of Bentleigh: Centre Road, McKinnon Road and North Road. Four of them are in the member for Oakleigh's electorate. There have been 29 in total in this term of government. I can tell you that during the construction of the new stations and the removal of these level crossings we met an unprecedented campaign of negativity from those opposite, particularly from David Davis, who I will not describe in any colourful language at all so I do not offend anybody. Needless to say, he was not supportive of the project and was completely out of step with the majority of Victorians. They wanted these level crossings gone, and this government is getting rid of them.

Then we look at the Metro Tunnel. The Metro Tunnel is the game changer for a growing city like Melbourne. It will mean that we will connect our rail system to parts of Melbourne that people need to get to, including the hospital precinct at Parkville and the University of Melbourne. We do not talk enough about the works associated with the Metro Tunnel — the signalling between Caulfield and Richmond and the upgrade of Caulfield junction, which will make it possible for there to be a train service on the Frankston line, down my neck of the woods, every 4 minutes. These are the sorts of things that people expect of their governments. The Metro Tunnel is due to open in 2025. It would have opened in 2021 except it sat on the shelf collecting dust in the last term of government because those opposite certainly were not going to build anything. These are

projects that are not only going to set Victoria up for the future but also create jobs for workers and jobs for apprentices. I will come to that again in a moment.

Then we look at our schools — \$3.8 billion over the last four years. Schools right across Victoria have seen well over 1000 projects — new, rebuilt and upgraded schools. We have heard a lot from those opposite since the last budget about our Catholic schools. In the last four years \$120 million in capital works has been provided for Catholic and independent schools, and certainly one of the Catholic schools in my electorate has been a beneficiary of that. There was not a cracker from those opposite for our Catholic schools when they were in government for four years prior to the 2014 election.

I am very proud that over four budgets more than \$60 million has been spent on schools in the Bentleigh electorate. We have had a consistent stream of funds in all four budgets to upgrade and rebuild schools in my electorate, both government and non-government, mainstream and special. If you contrast that with the previous four years: year one of the Baillieu government, nothing for Bentleigh; year two of the Baillieu government, nothing for Bentleigh; year three under the Napthine government, nothing for Bentleigh; and year four, in May 2014 they realised there was an election around the corner and thought, 'We had better throw Elizabeth Miller a bit of money so she can pretend like she has achieved something', so there was a little bit of money for schools in 2014. Of course they were not in government to cut the ribbons, but frankly, had it not been for the determination and the strong campaigning of the school communities, those projects would not have happened.

What we have done is we have funded more than \$60 million for school rebuilds in the electorate, including McKinnon Secondary College, with 2200 students. The last time a Liberal government built a new building at McKinnon Secondary College was before Australia moved to decimal currency. That is how far back you have got to go. Henry Bolte was of course Premier then. If you go to McKinnon Secondary College now and you try to look for a building built by a Liberal government, you have to go over to the school hall and sit in half of the school hall, because of course even Henry Bolte only funded the parents pound for pound to build that hall. That is how far back you have got to go. Not only have successive Labor governments rebuilt that growing school but we are going to add a second campus to that school. Of course the Liberal candidate has said that he supports a second campus for McKinnon Secondary College, but who is going to believe the party that shut down Murrumbidgee high

around the corner that suddenly they are going to build another new school in our area? The party of school closures cannot be trusted to build and rebuild schools in this state.

Then of course we move on to our hospitals. It is this Labor government that is proudly building the Victorian Heart Hospital over at Monash University, a hospital that will be as much about clinical care as it is about research into something that of course is the biggest killer in Australia — cardiovascular disease. It will be a hospital of around 200 beds, with an emergency department. It will be a hospital of research. It will be a hospital that we can all be proud of — a partnership between this government, Monash University and Monash Health. That is our commitment to hospitals.

All of these projects are not just providing services for Victorians; they are about providing jobs and opportunities for Victorians. Any responsible government, any government with a social conscience, would leverage its massive investment in infrastructure, which is its advantage as the biggest purchaser of goods and services in this state, to create jobs and opportunities for Victorians. That is why 10 per cent of our workers are apprentices, trainees and engineering cadets. That is why we have got opportunities on the Dandenong line, for instance, for 100 Aboriginal workers, and around 30 returned service men and women worked on that same project. Just as we believe in investing in this infrastructure for Victorians, we also believe in giving Victorians jobs and opportunities. Jobs and opportunities: that is what we believe in.

Of course in my electorate we hear a lot from my opposition candidate about town planning. I am lectured quite a bit by the former head of the property council about town planning in the Bentleigh electorate — somebody who has supported such famous developments as Forrest Hill, South Yarra. Do we remember that one? A Liberal Party donor owned the land over there for just a few short months, but in the space of that few short months it was taken out of the hands of the Stonnington council and it was rezoned by the Leader of the Opposition. In just a few short months that rezoning gave that developer a windfall profit of \$36 million.

**Mr McGuire** — How much?

**Mr STAIKOS** — Thirty-six million dollars, member for Broadmeadows — all for a donation to the Liberal Party of \$25 000, and that development was supported by the then executive of the property council, Mr Asher Judah. Now he is going around my electorate

saying he opposes inappropriate development. He has changed now; he is reformed. He used to want these skyscrapers; now he walks up Centre Road and laments what is happening to the area. Who believes that? Who honestly believes that? He is just such an odd fellow.

Need I mention Ventnor? I am going to finish on Ventnor because this is a monumental example of why the Leader of the Opposition should never be Premier. He ignored the local council. He ignored two planning panels. He ignored his department. But he was lent on by a Kennett-era minister, and he made that decision. Then he went back on it, and he cost Victorians \$3.5 million in the process. Somebody with such low morals — indeed somebody with no morals — should never be Premier of this state, and I have faith that the people of Victoria will not make him Premier of this state. Somebody who dines with people whom the police allege hold senior rank in the mafia should never be Premier of this state.

I understand that there is a whiteboard with names under the O'Brien column and names under the Guy column. I understand there are more names under the O'Brien column, so chances are the Leader of the Opposition will never be Premier of this state. The member at the table is of course in the O'Brien column, according to the whiteboard.

**An honourable member** interjected.

**Mr STAIKOS** — Absolutely. They will be fighting over who is going to be the next opposition leader. But, as I said, I grieve for what could happen to Victorians should the unthinkable occur in this state and the Leader of the Opposition becomes the Premier. He is unfit to hold office in this Parliament and indeed unfit to be Premier.

### Government performance

**Ms McLEISH** (Eildon) (15:31) — I am really pleased to make a contribution to the grievance debate, and I am also pleased to have such an audience. I am not sure where those on the government benches actually live, but I am fairly convinced it is in fairyland. They have clearly seen things that I am not aware of — a whiteboard, for example. I am really not sure what that is all about. My contribution today is going to focus on land sell-offs, community consultation — or lack of community consultation — and hypocrisy. With all of these things comes a key attribute of most of those on the Labor government benches, and that is arrogance. They think that they should be the ruling class. They are there for the battler, but they think that their rightful place is that of the almighty ruler. The

way they carry on and treat the communities, I believe that they think they have been selected as part of a ruling class.

I am going to start with the land sell-offs. There are constant land sell-offs being undertaken by the government because they are trying to raise every cent that they can. Disposal of public assets is one of the key ways they are doing that. When we have a look, we see that they are throwing money at things left, right and centre, but what really concerns me is the constant budget overruns and the lack of accountability, because it is somebody else's money. The land sell-offs that are happening all around Victoria are one way that they are looking to boost their coffers.

I am going to focus on a few areas locally that are being looked at, one of which is Green Street in Healesville. This has been used as a community space for quite some time, and there has been a bit of debate within the community about the best way forward for that space. There is a community market that happens frequently in that space. It is a very well patronised market, and there are a number of people in town who would like to see this continue. The council were not quite sure, so they went out and did some consultation around this. There were, as I said, various opinions. They were led to believe that they were going to get this land at a reasonable price, but what has happened is that they have had a valuation and it has been put at a price that the council just cannot afford, so now of course it is being flogged off and the future of that site, of who is going to buy it and what will happen to it, is under a bit of a cloud.

We have in Warburton the Yarra Ranges Enterprise Centre (YREC), which has been a fabulous small collection of start-up businesses, and they have been really quite innovative. The land there, at the junction of Woods Point Road and the Warburton Highway, was Melbourne and Metropolitan Board of Works land, so it therefore falls under Melbourne Water. In fact I asked the Minister for Planning to intervene on this because it has been such a successful little start-up area that it would be a shame for the community to lose it. I understand that that is now being delayed to see whether or not YREC, the enterprise centre, can actually purchase the land.

There has been a massive sell-off of land at Christmas Hills, a Melbourne Water site that had been flagged for a dam. That is a really large and treasured space as part of the green wedge of Melbourne. There have been a number of issues with this flogging off of Melbourne Water land, and there are conflicting issues. The government — and let us be clear, their goal is about

maximising the land value — want to get as much for it as possible, even if that means subdividing it into blocks as small as possible. That is certainly the interest of the government. We also have the interests of real estate agents, who are very keen to sell this land, and of course the more of it they can get, the better.

The council are really worried about this, because there are a number of overlays on this land, including a bushfire management overlay, and some of those plans — there are various plans — would be sold almost as house and land packages with a sizeable piece of land. The council and councillors are very worried that you would not be able to build on those pieces of land with the current bushfire management overlay in place, so they would like to see the land being sold perhaps with planning permits so that people know what they can and cannot do. There have already been ads for some of this land, and they make it sound as though you are going to be able to build your dream home on this site. That is just not going to happen, certainly not without a fight.

We have also seen that the plans have been hidden from the community, so there is a lack of transparency and certainly a lack of consultation. I think seven different precincts were identified and developed separately, and within those precincts there were three different plans. Interestingly, when they went to community consultation only two of those plans were made available to the community to comment on — the ones which kept that land at the largest sizes possible, which seems to be what people really like, whether that is recreational land or whether that remains as farmland. People tended to be in favour of keeping these blocks as large as possible. I found it extremely interesting that they were not even put on the table for consultation. It was only later that it was found there was another option there. The reasons for it being hidden from the community are a bit of a mystery to me, and as a result I have gone to the minister to get them to have a look at that, because it certainly does not sound very transparent. It actually is quite hypocritical and is typical of the arrogance of this government.

I find this quite interesting, because at the same time that we have land being flogged off at a rate of knots by the state government I heard the member for Eltham, and in fact at times also the member for Yan Yean, denigrate the actions of the Nillumbik Shire Council and in particular the mayor, Cr Peter Clarke. Typically they shoot from the hip without finding out all the right information, and as I understand it neither have been to the council for a full briefing from either the council or the acting CEO, so they are not really aware of exactly

what is going on. However, that does not stop them shooting from the hip in any way.

We have got an old shire office site which has been derelict for some 25 years. The council are now moving to find a joint venture partner to redevelop this site, and they are very keen to honour the heritage issue here. I think hypocrisy is being shown by the members for Eltham and for Yan Yean. It is not okay for Nillumbik to look at joint ventures locally, but at the same time we see the state government joint venture — as you could describe it — in their relationship with Transurban. It did not go to tender. It was, 'We're going to give you this project. Yep, go and do what you like'. That is okay, but it is not okay for similar things to happen at a local level.

Then there is the gifting to the AFL of \$225 million. A gift like that could be put back into community sport by way of a joint venture. There is certainly no criticism of that policy from the government benches, and I think that is absolutely a dog of a policy. I cannot believe that those on the other side of the house are not speaking up, because I think that is something that certainly should not happen.

But when we look at the local level, the members are certainly, with Nillumbik, keen to start jumping around and trying to make a little bit of an issue. There are reasons behind some of the things that Nillumbik Shire Council are trying to do: they are trying to maximise a tourism opportunity; they are trying to support jobs; they want to build a better kinder; they want a new, better art gallery; and they are looking to support residential accommodation, whether that be aged care or for retirees. I would think that the local members down there would actually be supportive of jobs and supporting the older members of their community rather than going off like they are. The process is also a full public process; there is a public probity audit as well. I think that this is very typical of the hypocrisy.

I want to turn briefly to community consultation, because as I have mentioned already with the Christmas Hills example, the community consultation seemed quite flawed — one of the options was actually withheld from the community. I want to bring in the example of Mount Macedon and what has happened there. In Mount Macedon, there were a number of aspen trees at the picnic grounds. Parks Victoria went in one day and chopped them down. No-one was aware that this was going to happen. The trees were non-native trees, but aspens are really quite beautiful in autumn and they become a tourist attraction. People go to that area to look at the autumn trees and to see the leaves on the ground. Parks Victoria in their wisdom,



without any consultation with the community, went in, got the chainsaws out and felled them. There was no consultation, and I think the member for Macedon was probably backing Parks Victoria. She was fairly silent on it as far as I can see. Again, this is an example of a government that says one thing and does something entirely different. It is really about how you go about the process. It is what you do, your actions, that are important, not what you say.

We have sky rail. Gosh, the people down in the bayside suburbs and in Oakleigh were not informed that there was going to be a sky rail. They were expecting that the plans would be underground, separating the road and rail, as has happened in other areas. This was what they were expecting. You have seen now what has happened — people are outraged. To think that they looked out their back door where there was a beautiful row of trees, and now they have been chopped down and they have got a full sky rail right at their back door. People are absolutely outraged by this and I think, again, the government has ignored the will of the community. The government has not even bothered to take any notice of —

**Mr Dimopoulos** — On a point of order, Acting Speaker, the member for Eildon is required, to use the member for Burwood's phrase, to 'tell the truth in the chamber'. She is misrepresenting the truth as far as it concerns my constituency.

**Mr M. O'Brien** interjected.

**The ACTING SPEAKER (Mr Carbines)** — Order! I appreciate the advice from the member for Malvern but, as we have noted earlier, it is important for members to have wideranging latitude in relation to the grievance debate. I do not uphold the point of order at this time. I ask the member for Eildon to continue.

**Ms McLEISH** — I do know that the member for Oakleigh is extremely sensitive about this and I know that he has been missing, because we have all seen the little — sky rail Steve, they do call him, and we have seen the *Where's Wally?* cartoons as well. We know that he has been hiding from his constituency because this is such a sensitive issue for him.

**Ms Ward** — On a point of order, Acting Speaker, I would just like it noted that I have never actually seen the member for Oakleigh in a red-and-white striped T-shirt, so I do not understand how any *Where's Wally?* drawing could even remotely go anywhere near looking like the member for Oakleigh.

**The ACTING SPEAKER (Mr Carbines)** — I do not uphold the point of order and I ask the member for Eildon to continue.

**Ms McLEISH** — Thank you. He might not wear a striped top but the face is very familiar, and very similar to *Where's Wally?*. Another example of a lack of good consultation is the rollout of the wire rope barriers that we are seeing across the state. This rollout started in my electorate. It started with a demonstration barrier on the Melba Highway. I believe they have never sought feedback about how well those barriers work and how safe it is for people entering and exiting the property there. Equally, they then went and rolled out about 8 or 10 kilometres between Yea and Molesworth — telling people how it was going to be, not really taking on any of the ideas and suggestions of the community although, at the time, they did pad the uprights as a protection mechanism for motorbikes. I notice that with subsequent rollouts, certainly down in the Gippsland area, this has not occurred. I think that they have not at all thought about possible impacts on the motorbike riders in those areas.

The installation of wire rope barriers: they have been rolled out and, looking certainly between the Molesworth and Cathkin, have been extended. There is a section of road there which is extremely dangerous. It is prone to flooding. Home Creek floods all the time. The local Victoria State Emergency Service (SES) has said that it is very dangerous to put these centre wire rope barriers in this position and it will cause all sorts of issues when they have to do their rescues by boat, which happens fairly frequently because, as I said, that area is prone to flooding. However, the government in their wisdom have said, 'No, this is all fine. The road does not need to be raised at the same time', which would actually be a reasonable solution — to lift the road there so that the impacts from flooding are lessened. If you are going to have these wire rope barriers, it would make it a lot safer. But no, in their wisdom the government are not going to listen to anyone. They are not going to hear the experts at the SES and the Country Fire Authority who deal with rescues on this stretch of road all the time. They know better, and I think that is another fine example of a government full of arrogance and, certainly, one of great hypocrisy.

I have been quite appalled to see the way this government behave. However it is a complete reflection of how they behaved with the north-south pipeline, which upset my community greatly.

### Opposition performance

**Ms GREEN** (Yan Yean) (15:46) — It is my great pleasure to join the last grievance debate for the 58th Parliament. I am pleased to be heading towards my fifth election and having the great privilege of representing the electorate of Yan Yean. Today I grieve for my community should it have to suffer the misfortune, the indignity and the deprivation of a Guy-led Liberal government after 24 November, because the best determinant of future behaviour is past behaviour.

**Mr Pearson** interjected.

**Ms GREEN** — That is what Dr Phil says, member for Essendon. When those opposite last sat on the government benches the opposition leader, as the Minister for Planning and a member for Northern Metropolitan Region in the upper house, oversaw rampant development in the north. Accompanying that we saw zero infrastructure. At the 2010 election the Liberal Party in Yan Yean went to the election promising exactly zero infrastructure, and they delivered that in spades. They actually delivered some very unpleasant surprises that they did not tell the electorate about before they got in. They delivered massive cuts to education, which meant that a much-needed secondary college, Mernda Central College, was not built on the land that had been purchased for that purpose in 2009. That meant that the land that was funded in the 2010 budget for a standalone Doreen Secondary College in Cooks Road, Doreen, did not happen. We are still feeling the legacy of that to this day with Hazel Glen College, which is a fantastic P–10 school with 3000 students. It is the largest single-campus school in the country, and it is the legacy of those opposite not because they built it but because they built nothing, and we have had to catch up on that.

They spent not one dollar on arterial roads in the north — not Yan Yean Road, not Plenty Road, not Bridge Inn Road, not Epping Road, not Childs Road and not Craigieburn West Road. All of those roads are underway or in the pipeline under this government, not under those opposite. What we do know about the then Minister for Planning and now Leader of the Opposition is that when he was planning minister it was all about cuts and cosying up to corporations. The whole Ventnor saga has been ventilated in recent weeks, and people are finally finding out the truth about that disgraceful cover-up and waste of government money. He himself said, ‘If people find out about this, if it goes to the courts, I won’t be in my job’. I do not ever want to see him as planning minister or as the

leader of this state because it would be bad for this whole state and it would be bad for the community that I represent.

I want to commend the member for Eltham for the outstanding job that she has done over the past four years. It has been an absolute delight working in partnership with her, and now we are sharing a campaign office. When neighbours become good friends they move in together. We together have had the need to stand up for our community. We have been getting stuff done — with the Hurstbridge line, with school upgrades — but we have had a dodgy, dodgy Nillumbik Shire Council led by a Liberal Party member, Cr Peter Clarke. He has a very similar temperament to that of the Leader of the Opposition — a very short fuse. He was appointed by the Leader of the Opposition when he was Minister for Planning as the chair of the Victorian Planning Authority. Then he had to resign. He had to give up the butler and give up the silver service at the table of the Victorian Planning Authority because he and Michael Wooldridge had been ripping off grannies, had been ripping off old people. Now he is working in lock step again, working hand in glove, trying to implement the underhanded plans of the Leader of the Opposition.

I quite like the member for Eildon. She is a nice person and she has a good heart. She was on her feet in the grievance debate just before and, sadly, she was defending the Nillumbik council. I mean, seriously! She was holding them up as a model for community consultation and inclusion. Well, I am sorry, member for Eildon, but you are wrong. There was no consultation about the Nillumbik Shire Council’s state election advocacy statement that was tabled at a council meeting on 4 September. Indeed none of the councillors had even seen it, let alone anyone in the community. I want to know what the member for Eildon thinks and what the member for Warrandyte thinks about Nillumbik.

Nillumbik is represented in the Legislative Assembly by the seats of Eltham and Yan Yean. There was no mention of this. The Liberal-led council has completely ignored the needs of Eildon and Warrandyte. On the eve of the 10th anniversary of the Black Saturday bushfires there is no mention and no advocacy for Arthurs Creek, for Christmas Hills, for Bend of Isles, for Panton Hill, for St Andrews, for Strathewen and for parts of Kinglake and Yan Yean that are in Nillumbik — not one mention. The statement could not even get its geography right. It said the electorate of Eltham included Kangaroo Ground. It does not include that.

**Ms Ward** — Six houses.

**Ms GREEN** — Well, six houses, apparently. But it missed out Research. Doesn't Research matter either? And it said the electorate of Yan Yean takes in the towns of Hurstbridge, Diamond Creek, Yarrambat and Plenty. What about Wattle Glen? What about Doreen? What about Nutfield? What about Cottles Bridge? Don't they matter either?

I believe the councillors have been taken for a ride. I have seen a school council newsletter from the principal of Marcellin College that says to his students, 'Don't worry. The member for Bulleen, the Leader of the Opposition, has told me if he gets elected, route A will not occur for the north-east link'. The opposition have said publicly that they will do the east-west link first and the north-east link at a later stage. They will renegotiate it.

Anyone in the community who is concerned about routes C and D should look no further than the Nillumbik Shire Council advocacy statement because of what it does — and much to the shock of councillors because it was rushed in. I called them afterwards and said, 'Did you realise this statement actually says that Allendale Road should become an arterial road?'. They have not even advocated for Bolton Street to become an arterial road. They are talking about Allendale Road, a dirt country lane which is corrugated and has huge hills, and the mayor of Nillumbik wants it to be an arterial road. When I rang a couple of councillors, they said, 'Oh, good Lord, that's a quasi-freeway'. That is code for the Leader of the Opposition and the Liberal mayor of Nillumbik working hand in glove to ensure that it is route D, through the member for Eildon's electorate and through the electorate of Warrandyte. That is why the Liberal-led council did not mention Eildon and Warrandyte in their statement.

They do very little in between, but this Liberal-led council have advocated for an Eltham North train station. Almost no-one lives nearby. Train stations in the metropolitan system will only work if you have a 400-metre walkable catchment. It is simply about developing the green wedge land between Eltham and Diamond Creek. They tried it in 2010, when Mr Jack Gange of the Silver Top family ran for the electorate of Yan Yean — and the pieces of silver. He had been given a promise by the opposition leader that that land would be turned into housing. He did not get his way then, but they are up to it again.

Allendale Road being bid for as an arterial road, the Eltham North train station and the full duplication of the train line to Hurstbridge are all about delivering on the opposition leader's commitment to release 300 000 lots of land in Melbourne. There are not

enough lots within the urban growth boundary for those to be delivered, so the Liberal mayor of Eltham is working hand in glove with the opposition leader, just like he did when he was the head of Places Victoria, so that he can deliver on this target. This is about changing the route of the north-east link, taking it through fire-prone areas and into areas of pristine bushland and where people's lives would be put at risk. It would not solve the congestion problems that we have; it would add to them. My opponent is working in lock step with Nillumbik council.

At the Nillumbik public transport forum the Liberal candidate for Eltham said, 'Oh, I'm parochial. I'm only about Eltham. Unlike the member for Eltham, I'm not interested in Diamond Creek or Mernda. We're going to duplicate fully to Eltham'. Well, blow the historic trestle bridge. But Earth to Nick McGowan, Earth to the Liberal candidate for Eltham: You've got part of Diamond Creek in your electorate, you twit! I mean, seriously. You are purporting to represent part of Diamond Creek and you say you do not care about it.

**Mr Clark** — On a point of order, Acting Speaker, I draw your attention to standing order 119 about the use of unparliamentary language. While the member is entitled to speak with some energy about whatever arguments she wishes to raise, she should be using appropriate language in this house, and I ask you to bring her back to order.

**The ACTING SPEAKER (Mr Carbines)** — I ask the member for Yan Yean to continue her contribution being mindful of her commentary on other individuals.

**Ms GREEN** — I have an opponent who is trying to mislead people by saying that the Liberal Party are in fact going to duplicate the rail line beyond Eltham, that they actually do give a damn beyond Eltham. We have a plan that will deliver 20-minute services from Diamond Creek, Wattle Glen and Hurstbridge — and it will not to blow up the green wedge and it will not wreck our parkland. There are already two platforms at Diamond Creek. There will be a duplication of track between Diamond Creek and Wattle Glen, and that simple duplication will mean that we can deliver those services.

What the Liberal plan also does not say is that we need a new train station at Greensborough. We need a new bus interchange so that buses can turn around quickly and we can have rail and bus services that are quick and effective. We know that on the watch of those opposite they only ever cut public transport.

I am also very suspicious of the \$20 million for recreational facilities in Hurstbridge. I support the development of recreational facilities in Hurstbridge. Goodness knows why the council have not supported the upgrade of female friendly facilities at the Hurstbridge Football & Netball Club. It would not take very much at all. They are hanging by their fingernails to division 1, but the council does not think about that. Then they want \$20 million for other recreational facilities for a township where the population is declining. What that says to me is that they are trying to develop things in those townships and provide the justification to open up the green wedge, to let it rip.

The Leader of the Opposition has been on the public record in the *Herald Sun* on at least two occasions saying that he believed that Wattle Glen was a prime place for development. What we would have, if those opposite got in, are cuts to education and no investment in roads, and we would have rampant development through the green wedge. That would ruin the character of the north-eastern suburbs and it would do nothing for jobs. So I grieve if those opposite — especially an opposition led by the member for Bulleen, the former planning minister — were ever to take office. I will do everything within the fibre of my being while there is breath in my body to make sure that Yan Yean stays in Labor hands. I will be working in lock step with the member for Eltham, and I will be telling the member for Eildon the error of their ways, that they still do not listen to her and they never will.

**Question agreed to.**

## OPEN COURTS AND OTHER ACTS AMENDMENT BILL 2018

*Second reading*

**Debate resumed.**

**Mr McGUIRE** (Broadmeadows) (16:01) — I just want to continue my contribution. Just to recap, the legislation overhauls the state suppression order laws to ensure Victorian courts are open and transparent and the laws are there to protect the public's right to information. This is the key proposition of the bill.

During the debate other issues on a general law and order theme were raised. The coalition went back to the argument about baseline sentencing. I did make sure that the judgement of the Court of Appeal of Victoria and the facts of the matter were reported again. I remind the house that the Court of Appeal in Victoria wrote off the Napthine government's baseline sentencing scheme and described it as 'incapable of

being given any practical operation'. It went on further to dismiss the legislation in probably the harshest criticism I have ever seen, by saying that it had an 'incurable defect'. There is no argument about taking it on appeal to the High Court or anywhere else. If it is incurable, that is that. It could not work, it was never going to be able to deliver what was intended and that is the way the Court of Appeal in Victoria wrote it off. So let us not have any more revisionism about this. The Victorian people should not have amnesia about what actually occurred. That should hopefully address that matter once and for all.

What the bill does is help rebalance issues about suppression orders. We had a situation where there was an unprecedented rate in Victoria, with almost 1600 suppression orders in three years. One of the other arguments that the media have had on this was that there was not sufficient explanation as to why these suppressions were being put in place on what was happening in the courts. The *Herald Sun* in an editorial in March of this year, under the headline 'Court secrecy must stop', went to a critical point on this issue about balance. I quote:

In a digital age where information spreads quickly and widely, the reporting of certain information which could prejudice a jury does need to be restricted. But the professional media's reporting requirements and contempt laws have long-established principles regulating reporting. Suppression orders are often superfluous.

I think that goes to the heart of the matter and to what was really going on with this tension between the public's right to know and what the courts were looking to do to protect critical cases and to make sure that cases in the future were not prejudiced. The Victorian government got the eminent Frank Vincent to conduct an inquiry. Frank is a former Supreme Court of Appeal judge. I have acknowledged previously and I acknowledge again his long and distinguished career as a jurist, and I also acknowledge the advice that he provided to this Parliament with this review and also in the last Parliament with the *Betrayal of Trust* report.

What the Victorian government is doing is supporting in full or in principle 17 of the 18 recommendations, while one recommendation is under further consideration. Just to go through these, the review recommended a range of improvements to existing suppression laws, including restricting the use of suppression orders so that they cannot be made if other laws already prevent publication; allowing adult victims of sexual assault or family violence to disclose their identity after the offender has been convicted, including where they were abused as a child; allowing previous relevant convictions of youth offenders to be

reported if the person continues to engage in serious offending as an adult; and specifically requiring courts and tribunals to provide written reasons for making a suppression order. That is an important issue because that provides the ability to have scrutiny and accountability with regard to the reasons.

Another recommendation is that all suppression orders are treated as interim orders for the first five days so that interested parties, including the media, can make submissions against the need for the order. That means that they can be contested and the arguments can be raised again in court, and again I think that is good for transparency and accountability.

There is also improving judges' understanding of suppression order laws, with new programs and materials developed by the Judicial College of Victoria. That refers to the fact that the Vincent review found that too many judges and magistrates had limited understanding of their responsibilities under the Open Courts Act 2013.

Another proposal is creating a central, publicly accessible register of suppression orders made by all Victorian courts and tribunals. I think that is a really important initiative as well. I know from the first stage of my career as a journalist that that was always something that you wanted to be able to do — go to one central data bank to be able to assess whether there was a suppression order or not so that you could comply with the law.

I think this is a suite of admirable reforms which will go a long way to providing greater transparency. I commend the bill to the house.

**Mr PEARSON** (Essendon) (16:08) — I am delighted to make a contribution on the Open Courts and Other Acts Amendment Bill 2018. I was in the house earlier today listening to the member for Hawthorn's contribution on this bill. I believe the member for Hawthorn was to be the lead speaker on the bill but the manager of opposition business filled that task. One of the things I noticed with the member for Hawthorn's contribution was that he was saying, 'Why are you bringing forward a bill like this on the penultimate day of the 58th Parliament? Why have you not brought this in earlier? Why have you not brought this in sooner?'. It is an interesting question asked by the member for Hawthorn, because it goes to the way in which this Parliament functions and how it operates.

For a very long period of time when the coalition was on the Treasury bench in the Assembly, overwhelmingly they had control of the Legislative

Council. They had it right throughout the 1990s, and indeed they had a one-seat majority in the 57th Parliament.

It is interesting to note that when I was an adviser to Steve Bracks after the 1999 election and I was spending a fair bit of time —

**Ms Thomson** interjected.

**Mr PEARSON** — You are too kind, member for Footscray; you are far too kind. At that stage the member for Footscray was the member for Melbourne North Province, I believe, and the government had 17 members in the Legislative Council —

**Ms Thomson** — Fourteen.

**Mr PEARSON** — Fourteen, okay, and the coalition had 30 out of 44. This was interesting because you had a government that won an election that it was not really expected to win, and you had an opposition that overwhelmingly controlled the other place.

In the 54th Parliament the Legislative Council, the other place, sat for 136 days, and in those 136 days they passed 253 bills. So in a proportional sense the efficiency of the other place in the 54th Parliament was to pass 1.86 bills per sitting day. In the 58th Parliament, this Parliament, the other place will sit for about 205 days, and they have passed 271 bills. Obviously the other place might pass one or two more bills, but the rate is 1.32 bills per sitting day. That means it is 29 per cent less efficient now than it was in the 54th Parliament.

So when the member for Hawthorn comes in here and seeks to lecture us, this government, on not bringing a bill like this forward, maybe it might be to do with the fact that his colleagues in the other place have deliberately set about being on a path to obstruct the right of this government to govern. There are 27 bills on the notice paper in the other place. They are just a bunch of blockers, and they will not accept the verdict. They have got form on this, because I remember — and the member for Footscray will recall this — that the former Liberal ministers in the other place refused to surrender their ministerial offices after the 1999 election. They would not vacate them. That demonstrated the fact that they could not accept that they had lost, and that was the way they conducted themselves day in and day out during the 54th Parliament.

The voters are not stupid. They see this and they know. Do you know what they did in 2002? They wiped out the coalition in the other place. Every single Liberal

member of the other place who represented a metropolitan seat and sought re-election, apart from in the East Yarra Province, lost. Every single one fell to the Labor Party. For the first time, apart from 20-odd days in 1985, the Labor Party had a majority in the other place.

Now, I am not for a moment suggesting that the other place should just do the bidding of the government of the day. It is fair and reasonable that bills can be scrutinised, particularly in the committee debate, and that there is an ability to pause and reflect and to make amendments. I have no problem with that. I have no problem in recognising the fact that the other place has a job to do as a genuine house of review. But what you are seeing here is that they are manifestly inefficient and inadequate in discharging their duties. They are trying to block and obstruct us at every step of the way.

I listened to the member for Eildon's contribution earlier. She said that we have got a born-to-rule attitude. Well, we have just happened to be on the Treasury bench for the majority of the time since 1982 because we are a better party and we have got better policies that represent the interests of working people. Those opposite are the ones with the born-to-rule attitude. They are the ones who have refused to accept the verdict of the people back in 2014 and at every step of the way they have sought to obstruct us. Again I would say to the member for Hawthorn that if some of your colleagues were not so lazy, if some of your colleagues were actually prepared to accept the verdict of the people and let the people's place, this chamber, get on with the job of introducing legislation and not obstructing it at every step of the way and dragging their heels and having, say, 14 speakers on a very minor piece of legislation instead of putting up maybe two speakers, perhaps we could have turned around and introduced bills like this earlier. Perhaps if the other place actually worked as it is supposed to do rather than being an instrument to block and frustrate an elected government, then we would not be in this situation.

As others have said, this bill seeks to implement a number of the changes suggested by the Honourable Frank Vincent, AO, QC, in terms of his review. I think one of the great things about an institution like the Parliament and one of the great things about an institution like our courts is that they have got a beautiful connection to history, a lineage back through the ages to key principles which are the bedrock and the foundation of a modern Western liberal democracy. Equally, it is important that these institutions reflect the times we operate in and reflect community views and values.

I was in the chamber earlier today when the Leader of the House moved to change standing orders to allow for the broadcasting of media. It was not that long ago — it was in the 1990s — that they did not have microphones in the Legislative Council. Members would have to get wired up by members of the media before going into the chamber to deliver a speech in order for the media to be able to record that speech. That was only probably 20-odd years ago, 25 years ago — not that long ago. But here we are making these changes in the standing orders to enable that to occur as just a normal function of this place.

I think that with a bill like this it is about continual reform of our justice system to meet community expectations. The idea of requiring the courts to provide a written reason why a suppression order has been given is indeed appropriate. I think it is fair for people to be able to ask, 'What was your reasoning? What was your rationale? What was your justification?'. Perhaps when you allow that to occur you are less likely to have instances where people might behave in a way in which they feel, 'Well, I can. I'm doing it because I can. I don't have to justify and explain myself'. I respect the independence of the judiciary. I respect the fact that the justices have the ability to make these calls as they see fit, as it is what you would expect with having an independent judiciary, but it is important that they do provide that level of explanation. I think that is only fair and reasonable.

The bill also looks at allowing a victim's identity to be revealed if the victim consents. I think this reflects the times in which we are living. Once upon a time the view was that the state knew everything: the state was right and the state imposed a one-size-fits-all solution because the state knew best. I think what has been shown in more recent times is that on the rights of the individual, individuals are best placed to determine what they feel comfortable with and what they are prepared to accept or not accept. I think this is a really important initiative because it allows the individual to make that call.

Recently I was speaking with a good friend of mine who is a journalist and we were talking about the death knocks that she had to cover as a journalist. She said, 'You can always ask once, but you can't ask twice'. She found that when she would go and interview someone who had recently lost someone, some people found that a cathartic experience and that it was part of their healing. I think allowing victims to be able to have their identity revealed is a really important initiative. I commend the bill to the house and I condemn the lazy lounge, otherwise known as the other place.

**Mr STAIKOS** (Bentleigh) (16:18) — It is a pleasure to rise today to speak on the Open Courts and Other Acts Amendment Bill 2018. In doing so it goes without saying that there are some things that are very, very important when it comes to our institutions as a modern democracy. One of course is to have a strong government, an executive and an independent judiciary so that we can live in a society where we have fair trials but that we also have transparency. Often that can be a very, very tricky balance to strike — the need for transparency, but also the need to have independent courts and the right to a fair trial. That is a balance that we have to strike, and I think the government ordering a review sometime ago into the Open Courts Act 2013 was exactly the right thing to do. It was a measured response to an issue that I know the media have been interested in for some time. I might quote from the media a bit later.

The review was conducted by former Supreme Court of Appeal judge Frank Vincent. This bill implements in full or in part seven of the 18 legislative recommendations. Under changes made by the bill courts will not be permitted to make suppression orders under the Open Courts Act 2013 if other legislation already prohibits publication of the same information. Courts will be required to give reasons outlining the grounds on which a suppression order was made, its duration and its scope. Victims of sexual and family violence offences will be empowered to share their stories under a new process, enabling courts to make an order lifting bans on publishing a victim's identity. Existing laws preventing the publication of prior youth convictions will be amended to allow the County and Supreme courts to publish relevant convictions in the sentencing remarks of adult offenders if the youth convictions are part of an entrenched pattern of offending. These changes build on amendments introduced by the government earlier this year, which explicitly excluded victims from non-publication provisions applying to Children's Court proceedings, as these relate to disclosure of their own identities.

I go back to the change that will enable victims of family violence and sexual offences to speak more freely about their experiences, and indeed to share their stories. The bill amends existing prohibitions to allow adults, who as adults or as children were victims of sexual or family violence offences, to opt for disclosure of their identity once the offender has been convicted. The bill creates a court process to allow the court to make an order authorising disclosure if the victim consents to disclosure and there are no other reasons for the prohibition to apply. The bill also clarifies the right of a victim to apply to revoke a suppression order under the Open Courts Act made solely on the basis of

protecting the victim's identity. The court process under the bill requires a court to be satisfied of the consent of any other victim whose identity would be disclosed before it can make an order enabling victims of sexual or family violence offences to disclose their identities. As an additional safeguard, the court must also be satisfied that the disclosure of the victim's identity is appropriate in all the circumstances.

I think the notion of victims being able to share their stories is indeed an important one. Particularly over the last few years through the various inquiries held that really have brought up some very painful experiences of victims of child sex abuse in institutions but also family violence — our most urgent number one law and order priority in our state — we have seen how important and indeed how powerful it has been to give victims the opportunity to share their stories. That is something that we will be able to, in a way, facilitate under this legislation.

I heard another speaker earlier note that there have been something like 1600 suppression orders over three years, and in many cases the media have pointed out that there has not been sufficient reason from the courts. One of the key changes in this legislation is that courts will be required to provide a reason when imposing a suppression order. Again, as I said at the beginning of my remarks, it is about striking that balance between transparency and also a fair trial. I think both are equally important in a democratic society like ours.

A few years ago now on a panel Justice Simon Whelan said that the introduction of the Open Courts Act had not led to judges issuing fewer suppression orders. This is where there is a great variety of views. He is quoted as saying:

In Victoria we know how many orders we make and the number has not gone down ...

'We really want to have a situation where we make very few orders ... we could have less than we do'.

He said at times orders were issued because judges were defensive or overly cautious.

That is where these changes, but also the way we got to these changes through a thorough review, are very, very important. I note in the *Herald Sun* on 22 June the Director of Public Prosecutions wrote:

Sometimes the unrestricted reporting of a case by the media will compromise the right to a fair trial, lead to national or international security concerns or lead to the inappropriate identification or location of vulnerable members of our society.

In those situations it is my duty to either apply for or support the making of a suppression order.

Certainly that is one side of the argument, but again it is a very, very delicate balancing act that we have to conduct when we are dealing with matters as important as this.

I now turn to permitting courts to disclose information about an adult offender's youth convictions. In line with Justice Vincent's recommendation, the bill amends the Children, Youth and Families Act 2005 to permit judges of the County Court or Supreme Court sentencing an adult offender to publish the offender's juvenile convictions. Justice Vincent recommended that this discretion be subjected to appropriate safeguards so that the intention of allowing young offenders to rehabilitate is upheld. Accordingly, the bill provides that a court may only disclose the offending juvenile convictions of an adult offender where the adult offending is the same or of sufficient similarity to the child offending, the adult offending is serious, and where it is appropriate in consideration of the offender's previous criminal history and prospect of rehabilitation.

There has been a lot of consultation that has gone into this bill. The report of the review was produced after consultation with over 40 stakeholders in private meetings and through a public submissions process. The bill was developed in consultation with key stakeholders, including the courts, the Office of Public Prosecutions, Victoria Police, the victims of crime commissioner and the Commission for Children and Young People. The government is always about striking the right balance and I think this bill does that through a very thorough review that the government is responding to. I commend the bill to the house and I wish it a speedy passage.

**Mr RICHARDSON** (Mordialloc) (16:27) — It is a pleasure to rise on the Open Courts and Other Acts Amendment Bill 2018 and follow my good friend, the member for Bentleigh, and his contribution on this. He and all members of this government understand the importance of openness and transparency in our court system and the work that has been done to get to this point on providing greater openness and transparency so that people who come before our courts have greater support and are able to be heard and their stories told, and the importance of media contributing to our system as well.

It would be remiss for me to not address the second speaker on the bill, the member for Hawthorn, who gave a grand performance at the end of his about the courts. It is always great to see him in action. He is always auditioning. The lights come on, the cameras are on, you could not see a more excited person who

loves to download his own videos than the member for Hawthorn when he gets behind the dispatch box. But his reflections on the government's record in law and order, in sentencing and in community safety and supporting the work of our law enforcement and our police officers, and his summary then about electioneering at the end of his speech undermine the very important work of this bill. It goes to the politicisation of our judicial system and our policing system as well.

It was not that long ago that federal members — senior cabinet members of the federal Liberal-Nationals coalition — had to front up and apologise for reflecting on the judiciary. They were dragged in and had to apologise. They could not help themselves. They had to take a low road. They reflected on the judiciary but I am sorry, you cannot undermine the constitution and the very institutions that underpin our good governance and good system here in Victoria and nationally.

That is a lesson to all of us, particularly the coalition: that you might want to take the low road, you might want to politicise the courts and policing, but you will be held to account. If it is not by the people of Victoria it will be by the institutions that have underpinned the work that we do as a state and our system, the Westminster system, and the basic premise of the separation of powers that is so very critical and important.

This bill is very important for greater openness and transparency in our judicial system. It comes on the back of a review, and seven recommendations from that review are dealt with in this particular bill. Of importance I think is the requirement for courts to give far greater reasoning, far greater information to the public on when they choose to use suppression orders. People want to know what is going on when decisions are made. Of course there is huge scrutiny on the judiciary. I know a lot of people in my community have expressed concern about when decisions are made or sentencing is initiated, but as someone who studied law at Deakin University and has observed the separation of powers and our system of governance, there is a check and balance on judicial decisions. They are public, they are on the record, they are scrutinised. There is an ability to appeal. I think this work in providing greater reasoning for giving suppression orders enhances that and develops that even further. It is important work to ensure that people get that information and understand.

I am particularly interested in the family violence and sexual offences space here — allowing survivors to speak about their experiences and be able to tell their stories. I think the member for Bentleigh summed this



up in his contribution. We have seen how important it is for people, one, to be believed, and two, to have their story told and for survivors to be heard and be respected. The notion that they would be faceless people having told their story in the court I think should change where they want to disclose, as should the notion that we would have a restriction on that when they could help or save others through their experience. We have seen that at a federal level through the Royal Commission into Institutional Responses to Child Sexual Abuse and also the landmark parliamentary inquiry that my friends the members for Thomastown and Broadmeadows did a power of work on. We know the power of people being able to tell their story, being believed and being heard and how that transforms the system for the future.

In the family violence space, I have got an event coming up in the coming weeks in my community: Say NO to Family Violence. I was sent some statistics to prepare for that event. In the City of Kingston alone in the last calendar year there were some 1500 family violence-related offences: 1500 people who are living in fear and 1500 people who might be presenting to our court system, whether it is for breaches of intervention orders or assaults, harassment or psychological abuse. We are seeing numerous cases and more are being reported and still so many go unreported, so many go on behind closed doors. I think the ability to remove some of those suppression orders and allow people to share their stories is critical.

While there is a lot of distrust in politics these days, there is also a diminishing trust in media, but the media still has an incredibly important role in court reporting and in reporting the outcomes of particular matters in our system. So I think the requirement to reduce the amount of suppression orders to ensure that there is fair and accurate reporting of court proceedings on matters that are undertaken is very important. It goes to the confidence that people have in the judiciary. If they are able to understand more about what is going on and what is happening — the reasons for decisions, understanding the journey of a case and what is happening — I think that creates greater trust and transparency in our whole judicial system and system of governance. So it is really a welcome ambition of this bill that we are ensuring that the expectations of suppression orders will be reduced and that those reasons have to be demonstrated. I think that is a really important thing.

This bill has gone through a range of consultation. If we are given the great privilege of serving again in the 59th Parliament, this will be a key agenda item for the second term of the Andrews Labor government. While

we are introducing it now before we go into caretaker mode, there will not be a moment wasted. We will be working to ensure we can implement seven of the 18 recommendations of the Open Courts Act review that was conducted in 2016. This bill, along with subsequent reforms in the future to look at those other 11 recommendations, is very important. I commend the work of the Attorney-General in putting this bill together and the work that has been done. It is part of a range of reforms in our legal system, whether it is greater transparency in sentencing, offences that we have created or more work in resourcing that we are providing to the courts.

It is also important to reflect that while there is a lot of scrutiny of our judiciary and a lot of politicisation in this space, it takes an incredible toll on our magistrates, on our court staff and on officers who give countless hours to the community. There are pressures upon the judiciary and people trying to make these decisions, with dozens and dozens of cases coming forward. They have always got the risk of appeal. They have always got the fact that all their recommendations, their sentencing, their reasoning, is on public display. It is a hugely pressurised job. I welcome the work of the Attorney-General in providing greater support to our judicial officers. They do an incredible amount of work in a very trying and difficult setting. It is a really thankless task. Someone is always going to be dissatisfied with an outcome. In an adversarial system like our judicial system that battle mentality is always going to be difficult for people in that environment — the pressure is so great. We have seen recent examples of those pressures upon a range of people. There has been great work done in this space, and it continues our work to make our community safer and stronger. I commend this bill to the house, and I hope it is heavily prioritised in the 59th Parliament.

**Mr WYNNE** (Minister for Planning) (16:37) — I rise to make a contribution on the Open Courts and Other Acts Amendment Bill 2018. I am very pleased to do so because the government is overhauling Victoria's suppression order laws to make it clear that suppression and closed-court orders are exceptions to the principle of open justice and should only be made when absolutely necessary. The bill of course comes off the back of the work of one of our most pre-eminent jurists, Justice Vincent, who made a number of recommendations for legislative reform, of which the government has indicated at this stage that it accepts seven of the 18 recommendations. A further legislative recommendation was implemented earlier this year, so we are well on the way in relation to that.

What does the bill actually do? The bill amends the Open Courts Act 2013 to implement, as I said, those seven recommendations. The amendments in the bill emphasise the importance of open justice; prevent suppression orders being made when provisions under other legislation apply; require reasons to be given for suppression orders made under the Open Courts Act; enable suppression orders to continue until the determination of an appeal unless varied or revoked by the appellate court; enable disclosure by a court of relevant juvenile convictions where a person continues to seriously offend as an adult, subject to certain safeguards, and that is an important element; and enable adult victims of sexual and family violence offences to speak more openly about their experiences.

I actually want to concentrate my contribution today on that final point: to enable adult victims of sexual and family violence offences to speak more openly about their experiences. I am drawn to that on the basis of an opinion piece that I had published in the *Age* newspaper some years ago now which spoke of the experiences of a very old friend of mine, a businessperson who had been involved in the political arena, had been active in politics within the Labor Party for some years and continues to do so in his own way. I did not see him particularly regularly, but he came to my office unannounced and spoke to me for a couple of hours about the darkest secret that he had held for all the time that I had known him, and that is now 40 years. He spoke to me about the appalling and systemic abuse that had been wreaked upon him from a very young age by a paedophile priest. As a young boy he was essentially powerless. He was preyed upon by this monster — that is all I can describe him as, a monster — because he had come from a very poor family.

His family circumstances were very poor. His family were actively engaged with the Catholic Church but on the basis of the most basic supports — things like food vouchers and the sorts of support that poor families actually needed. He spoke to me about what it meant to him, as someone from a poor working-class family, to be offered the opportunity to actually go on a holiday, and that was a venue at which he was preyed upon on more than one occasion. He was handed around like a plaything for these evil, evil people, and he told me that story through a torrent of tears. His face twisted in sheer anguish and despair that his life had been so dramatically destroyed and systematically destroyed at the hands of this Catholic paedophile priest.

The redress scheme through the Catholic Church further victimised him, where he had to provide evidence that in fact he had been the victim of this paedophile priest. Rather than this being an opportunity

for the church to reach out, obviously to apologise and to offer some opportunity for healing and reparation, it further victimised him to the point where he has and continues to need significant medical interventions and significant psychological and psychiatric help.

Why is the bill important for these victims? And there are so many who have been the victim of sexual assault. He from a very young age — a young boy — was frightened to come home from his paper round, in fear that this monster would be at his house. What a shocking, shocking thing. So why is it important that this bill actually provides an avenue for adult victims of sexual and family violence to speak openly about their experiences? It goes to the public acknowledgement that you have been wronged, that my friend had been wronged.

It is so important that you can actually go to the court and say, 'This happened to me', and the court acknowledges you, it acknowledges the offence and it acknowledges the wrong that has occurred to you. It is so important that you are not going to be doubly victimised and that the court in a fulsome way can actually say, 'Yes, we accept absolutely that you have been wronged'. It is a public affirmation, and it is so important to many people that there is a public affirmation that these wrongs have been committed. It also assists, I believe, on the potential road to recovery.

What will it mean for my friend? I am not sure what it will mean for him going forward, but he has built his life. He has managed to build a life out of this crushing story that he told me and has gone on to live a productive life, albeit requiring very, very significant supports around him. Today, as I reflect upon this good man, I reflect upon just why it is so important that we do offer these avenues to people who have been victims of sexual violence and sexual offences in such a vicious and such a protracted way.

I also just reflect of course on the women, particularly, who have been victims of family violence and the great work that our government has done, which frankly is leading Australia in terms of standing up on these issues. I have to acknowledge my friend and comrade Fiona Richardson, who led that work on our behalf, because so much of what today is about is about what our government believes. Our government believes that we do stand with victims of family violence and we do stand with victims of sexual violence. I absolutely stand with my friend and colleague today, and I will always remember him as a person who has survived the most appalling of circumstances. I commend the bill to the house.

**Ms GREEN (Yan Yean) (16:47)** — One cannot fail to be moved by that contribution from my great friend and colleague the Minister for Planning, the member for Richmond. I have heard him speak of his friend in this way before, but that was as powerful as the first time I heard it. It really shows why the bill before the house, the Open Courts and Other Acts Amendment Bill 2018, is incredibly important. Like the member for Essendon said earlier, it is a great shame that we are debating it in this house knowing that it is not going to make its way to the upper house. We have a number of bills stuck in the upper house, but I still want to nail my colours to the mast and speak about why this bill is important. It will be the last justice bill that I get to speak on in this term of Parliament.

The objective of this bill is to reform Victoria's laws relating to open justice to improve openness and transparency in the legal system. The bill will amend the Open Courts Act 2013, the Judicial Proceedings Reports Act 1958 and the Children, Youth and Families Act 2005 and implement in full or in part seven of the 18 recommendations of the Open Courts Act review to improve the suppression order regime in Victoria. The bill will amend the Children, Youth and Families Act so that the publication of identifying particulars of children is not unduly restricted. The bill implements seven of the recommendations of the Open Courts Act review conducted in 2017 by that eminent person, the Honourable Frank Vincent, AO, QC. On 29 March 2018 the government publicly gave support in full or in principle to all but one of the recommendations of the review.

I just want to refer to some of the media commentary about the bill and in support of the bill. There was an editorial titled 'Court secrecy must stop' in the *Herald Sun* on 29 March 2018. We have not often seen a whole lot of supportive commentary from the *Herald Sun*, but they certainly are supportive of this. Also on 29 March Shannon Deery wrote an article in the *Herald Sun*, 'No shield for child sex creeps. Suppression orders to be revamped'. Shannon Deery writes:

Victoria's worst paedophiles could be unmasked under a radical overhaul of the state's suppression order laws.

There was yet another article on the same day by Neelima Choahan in the *Age*, headed 'Overhaul of suppression order laws could see sex offenders identified'. Farrah Tomazin wrote a piece in the *Age* on 24 June around this, and there was also a piece headed 'Changes afoot for Vic suppression orders' by Christine McGinn in the Australian Associated Press on 7 August 2018. It says:

Adult victims of sexual and family violence will be able to choose to have their names published in a bid to empower survivors to share their stories, under proposed legislative changes in Victoria.

I think one of the reasons there has been so much action taken is the *Betrayal of Trust* report, which was tabled in the previous Parliament. I know my good friend the member for Thomastown and my good friend the member for Broadmeadows both did harrowing, harrowing work on that report. It was followed up by the outstanding establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse by then Prime Minister Julia Gillard. I think all those harrowing and deeply shameful stories that have been told through that report to the Victorian Parliament and also to the royal commission have really lifted the lid and opened the door into the darkest of dark corners. It has been so confronting, and I am sure it has reopened a terrible amount of pain and suffering for the victims, but I really hope that it has also given them some closure in that now they are being listened to. The reason it has been so powerful is the bravery of so many survivors who have had the courage to speak, just like the friend that the member for Richmond referred to.

I want to commend the brother of one of my best friends, Kerri-Anne Tatchell. Kerri-Anne and I have been friends for decades, and her brother Paul Tatchell is the current mayor of the Shire of Moorabool. Paul is a blokey bloke. I again want to commend him on giving evidence and on how brave he has been throughout the decades. I just cannot imagine what it must have been like as a 13-year-old to have been raped at St Patrick's College. Paul was put in a cupboard because in the nights following the rape he actually beat up the perpetrator. No other Christian Brother around had helped this 13-year-old boy after he was viciously raped by a Christian Brother, and they turned on him when he beat up that Christian Brother in reprisal a few days later.

As the mother of two sons, one of the things that really struck home for me was when the royal commissioners asked Mr Tatchell, 'How did you feel when you were locked in the cupboard?', where the Christian Brothers put him after he had beaten up that Christian Brother. He said, 'I actually felt safe locked in the cupboard'. His parents came to get him. They just did not understand. They were told that he was a bad person and that he needed psychiatric help. That is where his parents took him, and then he was returned to school. When he kept running away, he was sent to Monivae College, where word had spread amongst the paedophile priests and the Christian Brothers network and he was again repeatedly assaulted. Finally he was able to end his suffering by falsifying his age and

joining the army. What presence of mind for a young man to have been able to get himself out of that situation, to have raised a family and had a successful business. Now he is contributing to his community through the Moorabool shire and speaking out about what has occurred.

These stories do need to be told, as harrowing as they are. That is why the overhaul of these suppression orders and having open courts is so important to transparency. Whether it is hiding behind the veil of secrecy of the confessional or hiding behind the protection of mother church — whether it is Mother Rome or Mother England — it is not right. We need to keep sweeping away those barriers and restrictions. It has always been the case in the past that child victims were not named, and that is right and proper for their protection, but it is not right when it is balanced in favour of protecting a perpetrator so that they may continue to offend, as so many of these revolting, horrible, rock spider paedophiles have done over so long.

I commend the Attorney-General and the staff of the Department of Justice and Regulation on all the work they have done in preparing this bill and the many, many other pieces of justice legislation that have come before this house that have dealt with these sins of the past and have really put right so much in Victoria to change the way we respond to crimes of this nature and to also see family violence for the crime that it is. I think those opposite in their commentary and in their public media commentary still like to make people think that it is out in the community where women and children are least safe when it is still behind closed doors. I commend the work of this government and the Attorney-General, and I commend this bill to the house.

**Ms WARD** (Eltham) (16:57) — In rising to speak in support of this bill, the Open Courts and Other Acts Amendment Bill 2018, I do want to acknowledge the contribution by the members for Richmond and Yan Yean. The member for Richmond spoke very well about his friend, and it was heartfelt. I think it is important that we recognise there are stories here that do need to be told but also the effects that they can have on us as members of Parliament. We have the great privilege of hearing other people's stories, but we also have the challenges of shouldering some of their pain as well — we do — and this happens to everybody who sits in this place. We do carry the pain of other people with us sometimes when they do tell us their stories, and they tell us their stories because they trust us. As difficult as it would have been for the member for Richmond to hear the story of his friend, I thank him for his bravery in shouldering some of that story.

It is important that stories be told, to have some power over your story and to have some control over your story, because when you are abused or when you are a victim of crime the thing that you continually feel that you experience is powerlessness. You are powerless when you experience the crime, but if your ability to tell your story is also taken from you, it is another abuse of your power; it is another infringement of your power.

Some time ago a local woman came and saw me and spoke to me about her story. It is a story of a suppression order. Her experience was horrific — that of her and her sister. It is not something that I would wish on anyone. She talked about years of abuse at the hands of her father and then at the hands of her brother. The experience that she had you would not want to wish on anyone, but to also take from her the opportunity to be heard outside of the court, to be heard anywhere she wanted to tell her story — her father and her brother were both found guilty and were sentenced — for her to not be able to share that story beyond close confidants and beyond people where she knew it could not go any further was difficult for her. It was difficult for her to not say, 'This happened to me. This person did this', and to have people know what that person had done. I am sure people around her in her community would know, because communities do pass around information, but not having the power over her own story is something that she found quite difficult. Not having the power to control her own story was also something that she found quite difficult.

I commend the Attorney-General for the work that he and his office have done in helping to give some power back to those who have had their own sense of power and their own sense of self abused. It is not something to take lightly. There is a need in these instances for suppression orders. I can see very well why it would be needed, for example, when you are dealing with issues around children and when you are trying to protect victims from any further invasion of their privacy or experiences. But there are times when people do need to be heard. This woman did want to be heard, and she did want to have people generally know her story and know of her experience.

I think it is also important for people to understand how often this kind of story can happen, how much it can damage people and how much hurt it can cause. When these stories are told it can empower other people to stand up when they think something might be happening, because they actually have a better understanding of what it looks like to be abused and what it looks like to have your soul damaged in this way. I am very glad the Attorney-General has taken this action, and I commend him and his office for it.

It is interesting to hear from the other side their noise when they did bother to speak on this bill — their noise about crime, their noise about punishment. They do not actually want to understand how crime is caused. They do not actually want to put in the work and the investment into community to help reduce crime. They think if they bang a drum and if they bang it loud enough and if they inflame tensions — if they throw around a few community groups, throw them under the bus and blame them for any crime that could occur — that is the way that you deal with it. You make the community afraid, and that is the way you win government.

That is not the way you win government. That is the way that you show exactly how weak you are when it comes to policy. Because what happens when you decimate TAFE, what happens when you withdraw funding from schools, what happens when you do not create opportunities for new police, what happens when police retire and you do not rehire, what happens when your police numbers actually flatline, what happens when you do not invest where investment is needed, what happens when you do not create jobs, what happens when you do not create opportunities, what happens when the federal government reduces support for people who are migrants or have come here as refugees, what happens when you do not invest in people, what happens when people do not feel valued — when people do not feel that a government cares about them and when a community feels that it is up to the individual and that people are out there for themselves — that is when you see an increase in crime. That is when you see crime occur.

You see crime occur when people do not see options, when people do not see how they can help themselves, when people do not see how they can gain an income and when people do not feel respected. There are so many different reasons why crime occurs, and to think that it is something simplistic that you can throw out there in a Tony Abbott-style ‘Stop the boats’ three-word slogan is disrespectful to the community. It is disrespectful to this place because we know that the law is far more complicated. I applaud the Attorney-General for the very steadfast way he has gone about creating legislation after legislation, amendment after amendment for the four years that we have been here. He has steadfastly worked through issues and unravelled the problems that the previous government created through their own laziness and ineptitude. He has doggedly gone about improving our laws to make sure that this community can be safer.

At the same time as the Attorney-General has done this, this government has gone about creating opportunities

for people so they do not feel that they are on the scrap heap, so they do not feel that crime is their only recourse to look after themselves or their families and so they do not find solace in drugs because they are self-medicating and do not have any other way to find happiness. The role of government is to create a better society and a better community, and you do not do that by drumming up fear. Fearmongering does not create a better community; fearmongering just creates fear. I do not know about you, but a fearful society is not one I want to live in, nor is it one that I think should be created through false words, through false creation and through laziness, because it is only laziness. Fear is the tool of the lazy person and it is definitely the tool of the lazy policymaker.

If you think the way through to government is by creating fear, you are wrong. That is not the way you find the pathway to government. The pathway to government is to find policy that inspires people, that gives people hope, that makes people think that there is something positive happening in the world around them, that makes people feel valued, that gives them something and that makes them feel that they matter. Telling people that they should not go out to dinner because everybody is afraid is ridiculous.

I have to say the Liberal Party probably dodged a bullet by not appointing Peter Dutton as leader of their party federally because God knows what we would have seen happen in this state with the ridiculous words he says and the ridiculous carry-on about what is happening in this state. In fact I went out to dinner here in Melbourne last night. I had a lovely meal and I felt as safe as houses. This is a beautiful city and a beautiful state and it is worth celebrating. It is worth investing in and it is worth doing things in and it is certainly worth getting things done in. It does not deserve an atmosphere of fear that is drummed up by the policy-lazy people opposite us because that is all they are capable of — drumming up fear. They should be ashamed of themselves.

**Mr J. BULL** (Sunbury) (17:07) — I am pleased to have the opportunity this evening to speak on the Open Courts and Other Acts Amendment Bill 2018. Can I take the opportunity to echo many of the comments made by the fantastic, hardworking member for Eltham. I could not agree more, member for Eltham, that every government, any government, should be focused on building our community, our society up and not tearing it down. Every government, any government, should be focused on empowering people, supporting people and investing in our community to ensure that people have access to high-quality health

care and high-quality education and to ensure that people have each and every opportunity in life.

This government, the Andrews Labor government, stands for a modern, responsive and effective court system. We know that due to things like population growth and the increasing complexity of crime our courts are constantly under pressure to deliver outcomes that are in line with community expectations. This legislation before the house this evening implements a range of reforms that a number of honourable members have spoken about this evening. These are of course the result of a great deal of work done by the Honourable Frank Vincent, AO, QC, who of course conducted a review of the Open Courts Act 2013 (OCA).

Before I discuss a number of the recommendations contained in the review, I did listen to the member for Hawthorn in his contribution, and it proved exactly what is wrong with those opposite: rather than focus on facts, they choose fear. Rather than focus on stats, they choose fear. At each and every chance they determine to undermine the fabric of impartiality. The things that make our democracy work, that allow the separation of powers to occur, that strengthen our democracy are the fairness and justice within a system that supports all communities right across the state.

We on this side of the house know that a one-size-fits-all model simply does not work in the judicial system. We know from research and evidence that models that work toward an individual are of course models that work. I want to take this opportunity to make the point that any law — any piece of legislation, any bill that comes before the house — should be backed up not by guesswork but by actual research, evidence, science and all of those things that underpin a quality piece of legislation. It needs to be referenced. It needs to be in accordance with research. That is of course holistically how you get a better system of government, how you get a better system of democracy and how you get a better, safer and stronger community.

We know this bill will reform Victoria's laws relating to open justice to improve openness and transparency in the legal system. The bill will do a number of things. It will amend the Open Courts Act 2013 and other acts to implement in full or in part seven of the 18 recommendations of the Open Courts Act review that I mentioned earlier. This will improve the suppression order regime in Victoria.

There are a number of amendments which members have discussed this evening in the house. They include an emphasis on the importance of the open justice

system to prevent suppression orders being made under the OCA where provisions under other legislation apply, and I will come back to that later on in my contribution. The bill requires reasons to be given for suppression orders made under the OCA. It enables suppression orders to continue until the determination of an appeal or unless varied or revoked; enables a disclosure by a court of relevant juvenile convictions where a person continues to seriously offend as an adult, subject to certain safeguards; and enables adult victims of sexual and family violence offences to speak more openly about their experiences. Members have also referenced that point in their contributions. The bill will also amend the Children, Youth and Families Act 2005 so that the publication of particulars of children is not unduly restricted where this would not lead to the identification of the child.

I discussed the importance of quality research in any review, any study or work, that is done to bring a piece of legislation before the house. This is critically important, and I want to take the opportunity to commend the work of the Honourable Frank Vincent, a former justice of the Supreme Court, who took on the job of conducting the review. We know that the final report was released in March 2018, and it really is the genesis, the basis, of the legislation that is before the house this evening.

The government has given support in full or in principle to all but one of the 18 recommendations of the review. One will require further consideration. The bill represents stage 1 of the government's legislative response to the review. We know that there was extensive consultation through this process, both through a public submission process and through consultation with stakeholders as well as key bodies — the Office of Public Prosecutions, Victoria Legal Aid, Victoria Police, the victims of crime commissioner and the Commission for Children and Young People.

The bill implements recommendations 1 and 2 of the review to reinforce the importance of open justice and make clear that suppression orders under the Open Courts Act are only to be made as exceptions to the principle of open justice where necessary. This will ensure that courts do not make suppression orders too easily, by applying a mere presumption in favour of openness, which a number of members have also discussed this evening.

We know that transparency, accountability and openness within our courts are fundamentally important to the workings of our democracy. The Andrews Labor government is focused on improving the lives of all Victorians, no matter where they live. Accountability

and transparency and a court and legal system that works to maintain balance, impartiality, openness and accountability — that is what we stand for. That is why this piece of legislation is important. It is based, of course, on the evidence and the recommendations contained in a review by somebody who brings a whole suite of life experiences and professional experience to the task of conducting such a review — a significant piece of work that certainly has formed the basis of the legislation that is before the house this evening.

It is fundamentally important that all members of Parliament, all governments, are focused on improving the lives of each and every person that we in this place represent, that we stand for those values of transparency and accountability and that we make sure that the court system and the legal system are underpinned by values that encourage the most important elements and traits — impartiality, openness and accountability. I believe, and this government believes, that this bill works to improve the system and works to improve our courts. Given that, this legislation is based on the sound principle of impartiality, ensuring that we collectively get a stronger system, a fairer system, that works for all involved. I think that should be the aim of all members of Parliament.

I would like to acknowledge the work of the Attorney-General, his office and his department along with the work of Frank Vincent. I commend the bill to the house.

**Ms COUZENS** (Geelong) (17:17) — I am proud to rise to speak on the Open Courts and Other Acts Amendment Bill 2018. I am sure this bill is welcomed by my electorate of Geelong. This is a powerful piece of legislation that will give victims a voice in our community. We have had the opposition going on about law and order. Well, where are they? They have a very limited number of speakers on this bill, so I think that reflects the calibre of those opposite.

The Andrews Labor government is overhauling Victorian suppression order laws to make it clear that suppression and closed court orders are exceptions to the principle of open justice and should only be made when necessary. We are committed to ensuring that our courts are open and transparent and that the law protects the public's right to information. This bill reinforces the presumption in favour of open justice and the disclosure of information in Victorian courts. The bill implements, in full or in part, seven of the 14 legislative recommendations made by Justice Vincent. A further legislative recommendation was already implemented earlier this year.

Under changes made by the bill, courts will not be permitted to make suppression orders under the Open Courts Act 2013 if other legislation already prohibits the publication of the same information. Courts will be required to give reasons outlining the grounds on which a suppression order is made, its duration and its scope. Victims of sexual and family violence offences will be empowered to share their stories under a new process enabling courts to make an order lifting a ban on publishing a victim's identity, and I think that will be very welcome in my electorate of Geelong. Family violence is a serious issue in Geelong, as it is in many of our communities across Victoria.

We know the Royal Commission into Family Violence has identified 227 recommendations to address family violence right across Victoria. The fact that people will have the ability to share their stories is a really important part of this bill, and it is also important for those who are victims of sexual abuse. The Royal Commission into Institutional Responses to Child Sexual Abuse ran for five years and held many public hearings. At many of those public hearings there were people from my electorate. The heads of CLAN, which is the Care Leavers Australia Network, are a part of my community and had a lot to say about their experiences with institutions, orphanages, children's homes and foster care right across Victoria but in particular in my electorate of Geelong and the impact that it had on them. I know they would very much welcome this bill to ensure that going forward people will have the opportunity to tell their stories. This is really important to people who have suffered horrifically in sexual abuse situations that obviously never should have happened, but also will affect their ability to deal with that and to push for legislative change, like what we are seeing here today in this bill, that not only protects children and people from these sorts of things happening but also ensures that there is legislation in place that supports and assists those that need it most.

This is a great bill for people in my electorate. The existing laws preventing the publication of prior youth convictions will be amended to allow the County and Supreme courts to publish relevant convictions in the sentencing remarks of adult offenders if the youth convictions are part of an entrenched pattern of offending. These changes build on amendments introduced by the government earlier this year which explicitly excluded victims from non-publication provisions applying to Children's Court's proceedings, as these relate to disclosure of their identities.

The bill implements, in full or in part, seven of the 18 recommendations of the Open Courts Act review: emphasise the importance of open justice under the

Open Courts Act; prevent suppression orders being made under the Open Courts Act when provisions under other legislation apply; require courts and tribunals to give reasons for making suppression orders under the Open Courts Act; enable suppression orders to continue until the determination of an appeal or unless varied or revoked by the appellate court; enable the publication of relevant juvenile convictions of persons who continue to engage in serious offending as adults, subject to certain safeguards; and enable adult victims of sexual and family violence offences to speak more openly about their experiences. The bill also amends section 534 of the Children, Youth and Families Act 2005 to narrow the scope of particulars deemed likely to lead to the identification of a person.

The bill amends existing prohibitions to allow adults who as adults or as children were victims of sexual or family violence offences to opt for disclosure of their identity once the offender has been convicted. The bill creates a court process to allow the court to make an order authorising disclosure if the victim consents to disclosure and there are no other reasons for the prohibition to apply. The bill also clarifies the right of a victim to apply to revoke a suppression order under the Open Courts Act made solely on the basis of protecting the victim's identity. The court process under the bill requires a court to be satisfied of the consent of any other victim whose identity would be disclosed before it can make an order enabling victims of sexual or family violence offences to disclose their identities. As an additional safeguard, the court must also be satisfied that the disclosure of a victim's identity is appropriate in all the circumstances.

In line with Justice Vincent's recommendation, the bill amends the Children, Youth and Families Act to permit judges of the County Court or Supreme Court sentencing an adult offender to publish the offender's juvenile convictions. Justice Vincent recommended that this discretion be subject to appropriate safeguards so that the intention of allowing young offenders to rehabilitate is upheld. Accordingly, the bill provides that a court may only disclose the juvenile convictions of an adult offender where the adult offending is the same or of sufficient similarity to the child offending; where the adult offending is serious; and where it is appropriate in consideration of the offender's previous criminal history and prospect of rehabilitation.

This bill goes a long way to addressing some of the issues that we have seen in the past, as I mentioned, for people in my community, particularly around family violence and sexual abuse. They are some of the key areas in which my community have raised many, many issues through the Royal Commission into Family

Violence and through the royal commission into child sexual abuse. They are all very relevant to my community. It is important that we continue to address those issues through legislation and through the various changes that we have been making as a government. I am very proud to be part of a government that is focused on those serious issues in our community around family violence and sexual abuse. I think they are important issues that all of our community have taken great note of, particularly since the establishment of the Royal Commission into Family Violence and the royal commission into child sexual abuse. They are things that impact on our communities in a very serious way. They are ongoing issues that people have to deal with and they need to be addressed, and that is exactly what this government is doing.

As I say, I am really proud to be part of a government that does care about our community and cares about the most vulnerable in our community. We are doing whatever we can to try and address those issues, unlike those opposite who cannot even be bothered to be in the chamber when serious legislation is being debated. There is one person from the opposition who is sitting at the table. I commend the bill to the house.

**Mr NARDELLA** (Melton) (17:27) — This will probably be the last bill that I will speak on in my parliamentary career. I want to thank the Attorney-General for bringing this legislation to the Parliament. One of the things that I think is really important when legislation is brought into the Parliament is that it is well researched, that it is evidence based and that you get the best minds to work on the issue and the problem at hand. One of the best legal minds in Victoria is that of the Honourable Frank Vincent. I have had a number of dealings with the Honourable Frank Vincent, both in his chancellorship of Victoria University and in his addressing parliamentarians here in Parliament through the Commonwealth Parliamentary Association or the Australasian Study of Parliament Group. When you want the best set of recommendations and options certainly an opposition but also a government will want to put together the best minds to do that, and the government has done that.

In the Vincent review of the open courts legislation 40 stakeholders were involved in the consultation. They included the courts, the Office of Public Prosecutions, Victoria Legal Aid, Victoria Police, Victims of Crime Victoria and the Commission for Children and Young People. Then you are able to gather the best evidence and work through suppression orders and issues that the media have been raising with governments for a long time and that the courts have been grappling with for a



long time as well. This legislation will assist the courts in grappling with those major issues based on the principles of openness and transparency within the legal system.

This is the first stage of the implementation of the recommendations. It comes to the Parliament after the report was tabled by the Honourable Frank Vincent just recently. It is important that the Parliament actually debates and discusses this matter because the way that we get the best out of the courts in looking after victims of crime, which is what this legislation does, is to have that debate. That is where this Parliament is absolutely critical. It is critical in a democracy to be able to expand on evidence-based research and recommendations and then to have the debate on the floor of the Parliament. One of the things that absolutely strikes me is that there have been and unfortunately will only be three people from the opposition speaking on this bill: the honourable member for Box Hill, the honourable member for Hawthorn and the honourable member for Mildura.

No Greens member has spoken. The Greens are missing in action. They are probably busy in their rooms with their guitars, sitting around in a circle and singing *Kumbaya*.

**Mr Pearson** interjected.

**Mr NARDELLA** — Yes, and eating tofu, honourable member for Essendon. In terms of the debates that we are having within our community and society today, the opposition can get together only three members to take part in this debate.

**Mr M. O'Brien** — Acting Speaker, I draw your attention to the state of the house.

**Quorum formed.**

**Mr NARDELLA** — In a democratic society the Parliament is the central organ where a policy debate is had. This is a debate in terms of victims and what this legislation means for victims of sexual assault. I have heard all the other honourable members talk in a very sincere and very emotional and personal way about experiences that they have had, but this debate is also about making sure that this legislation can be improved for the future. You cannot have that when you have the situation where people on only one side of the house put their view to the house. That is especially so when this is such an important issue that people are out there campaigning on it.

Opposition members make things up as they go and they put together policies that are not evidence based or research based, yet when it comes to real debate and

discussion in our democracy about victims of crime, they can put together only three speakers.

**Mr Pearson** interjected.

**Mr NARDELLA** — They certainly were not the best three. Maybe they are all in their rooms with the whiteboard, chalking up who the next leader should be.

**Mr M. O'Brien** — On a point of order, Acting Speaker, I would ask you to bring the member for Melton back to the matter before the house. He seems to be very interested in discussing everything but the actual bill before the house. I do wonder if he has even read it.

**The ACTING SPEAKER (Ms Graley)** — It has been a very broad-ranging discussion on this bill. The member for Melton can resume.

**Mr NARDELLA** — In terms of victims of crime, this legislation is important to give them a voice. As honourable members on the government side of the house have pointed out, it is an important reform so that they can be heard, so that their stories can be told, so that at 18 when they come of age they can let other people know what happened to them and where it happened to them and they can be part of that change to make the system better.

Certainly in the term of this government the changes to support victims of crime, including family violence victims after the Royal Commission into Family Violence, are unique in all the world. They are unique because we have listened to the experts, we have gathered the evidence and this Parliament has implemented those recommendations, and that will continue. The sad part about this is that there are others who are not part of this debate and discussion. There are others who will use victims of crime and their tragic situations, and that was demonstrated earlier today, but when it comes to the real solutions, to the evidence-based and research-based solutions, they will go for the populist actions and solutions. I support the bill before the house.

**Mr FOLEY** (Minister for Housing, Disability and Ageing) (17:37) — Can I use this as an opportunity to thank you, Acting Speaker Graley, not just for your role as Acting Speaker but your stellar representation of the people of Narre Warren South over your distinguished public career. On a very personal note, the first contribution I heard you give in this place, as a new member myself, was in memory of my late father. That was particularly touching for me and my family who heard it. So on a personal level, thank you very much for all you have done for the people of Narre Warren

South and the people of Victoria. We do very much appreciate your contribution to public life and public service in Victoria.

It gives me great pleasure to rise to speak on this very important bill currently before us, the Open Courts and Other Acts Amendment Bill 2018. Like those who have gone before me in this very important debate, can I thank the Attorney-General and his department for the important work they have done in bringing forward this bill, as we have heard, based on the work done by the Honourable Frank Vincent, AO, QC, on the Open Courts Act review. The review dealt with a very difficult set of challenges about how an important pillar of our democratic system, the judiciary and the court system, operates in an appropriate way in relation to a variety of pressures on it, including pressures that this place sets for it but also in the context of changing technologies and changing social attitudes towards how courts operate in the complex, modern, 21st-century world.

There was no better person than the Honourable Frank Vincent, AO, QC, to deliver that review. A native of my own electorate, Frank is a Port Melbourne boy born and bred, and he is in fact a life member of the Maritime Union of Australia (MUA) as a result of the stellar support that he has given to the trade union movement over his judicial life. His own father was a lifetime wharfie who worked his entire working life on the ports of Port Melbourne. With a little bit of latitude, Acting Speaker, Frank relayed one of the stories from growing up in the 1950s about one of the most important strikes he saw on the waterfront. It was all about animal welfare and the important role of the horses that used to be on the wharf and that needed to be looked after and how that was a very important industrial dispute with all sorts of levels behind it.

Perhaps more than anything else what Frank Vincent knows is that an open, transparent court system is what protects the people who look to the courts for support and service. For those who particularly are vulnerable and for those who are particularly at risk, if not for an active, transparent and fair court system, they would have themselves, their families and their communities a tougher life than what they would otherwise.

Again to use a very homegrown example that the Honourable Frank Vincent is more than aware of, in 1929 in Port Melbourne, at the height of the waterfront lockout that was then ravaging the Australian waterfront from one end of the continent to the other, the Port Melbourne wharfies were the last to hold out despite the lockout that was underway and the movement in of police and strikebreakers at the time.

There was gunfire and shots fired by Victoria Police, and one gentleman who was locked out, a First World War veteran who was part of the first landing on Gallipoli on Anzac Day in 1915 on the shores of Turkey, one Allan Whittaker, was shot through the back of the neck. The bullet came out of his mouth and shattered his face, and he died a slow and painful death over the next few months.

Frank Vincent has researched that particular case and established clearly the stitch-up and the cover-up that had gone on for Allan Whittaker. He pointed to the failings of the court system and how the court system at the time failed in its duty to the likes of Allan Whittaker, as well as the important role that if but for this kind of open and transparent legislative framework would have made sure that the name of Allan Whittaker would have been cleared, together with this comrades at the time. Just as an aside from that aside, I can report to the house that on the soon-to-be 98th anniversary of that shooting a memorial to Allan Whittaker will be located on Princes Pier this November, involving the Honourable Frank Vincent, marking that shooting and the memory of Allan Whittaker.

**Mr Noonan** interjected.

**Mr FOLEY** — Honourable member for Williamstown, I think it would take wild horses to keep your constituent from that event.

Indeed what this bill really does is adopt that same spirit of democratic openness and participation that Frank Vincent and the court system are renowned for. The recommendations of the Open Courts Act review that are being supported by the government in this bill are well known to those here today. If I can just briefly in the allotted time allowed for me set those out.

The first of those recommendations is that the Open Courts Act 2013 be amended to make it clear that orders made under the act constitute exemptions based on necessity and circumstances to the operation of the principle of open justice rather than being a matter of the operation of the presumption in favour of transparency. That high-level recommendation to set the principles of this legislative framework is one that the government has embraced, and it sets the tone for the operation of the act and future operational decisions that will then flow from that.

The review recommended that the Open Courts Act should be amended to include a new preamble emphasising the fundamental importance of openness and transparency, which of course this bill picks up. In doing so the act will be amended to restrict the power to

make suppression orders in situations not otherwise encompassed by statutory provisions prohibiting or limiting publication. Again, all of the difficult issues going to the relationship between individuals' rights, the rights of the wider community, the rights of the media to report, the rights of victims come into this complicated area, which this bill seeks to carefully navigate its way through.

Then, in further detail, the bill also picks up the recommendation:

In each matter in which a suppression order is made, the court or tribunal be required to prepare a written statement of its reasons for the order, including the justification for its terms and duration. Save for restrictions and redactions reasonably required to effect the purpose and efficacy of the order, these reasons should be publicly available.

Again, it is reflecting those principles, but with the necessary protections in certain circumstances that might be required for reasonable prevention of that.

In the event of an appeal being lodged against the outcome of proceedings in which a suppression order was made, the order would continue in effect until the determination of the appeal or it is discharged or varied on application to the court or tribunal hearing the appeal.

That is a logical further recommendation from the review that is being picked up, as indeed is the Attorney-General's wisely adopted recommendation:

Consideration be given to statutory reform to enable the discretionary disclosure of the relevant convictions of juvenile offenders in cases of their continuing and entrenched propensity to engage in serious offending as adults.

**Mr Pesutto** interjected.

**Mr FOLEY** — Thank you very much, honourable member for Hawthorn; I need my glasses. Finally:

Adult victims of sexual assault or family violence or who as children have been so subjected should, on the conviction of the offender, be able to opt for disclosure of their identity. In situations where there is more than one victim, the court would be required to refuse an application where disclosure of the identity of a victim or perpetrator would result in that of a non-consenting victim or impose any conditions required in the circumstances to secure the anonymity of a non-consenting victim.

That is in itself a further sensible adoption of the Honourable Frank Vincent's sound review. I wish the bill every success and a speedy passage, at least through this house.

**Mr NOONAN** (Williamstown) (17:47) — I move:

That the debate be now adjourned.

In doing so, Acting Speaker Graley, with the indulgence of the opposition, let me say I want to wish you the very best for your future. It has been an absolute privilege to serve with someone of such decency and integrity.

**The ACTING SPEAKER (Ms Graley)** — Thank you.

**Motion agreed to and debate adjourned.**

**Debate adjourned until later this day.**

## JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018

### *Council's amendments*

**Mr PAKULA** (Attorney-General) (17:48) — By leave, I move:

That so much of standing orders and practices of the house be suspended to allow the Assembly to consider the Council amendments to the Justice Legislation Miscellaneous Amendment Bill 2018 regardless of any irregularities with the clause numbering in the bill.

I will briefly speak to the motion. This has been a matter of some discussion between the Clerk and me, the Leader of the Government in the other place, the shadow Attorney-General and the crossbenchers today. It appears that when Dr Carling-Jenkins in the other place moved an amendment there was an error in the drafting by the Office of the Chief Parliamentary Counsel that was not picked up in the other place. What should have occurred of course is that, in accordance with normal practice, the bill, as I understand it, ought to have been renumbered in the Council before it came to us. That did not occur, and so without this motion all of the renumbering would occur as a matter of course after the amendments were accepted in this house, which would then cause a number of cross-references in the bill to be incorrect. I think that is a reasonable summation of the situation.

The option that we have as a house is to deal with it this way, and I thank the member for Hawthorn, the member for Shepparton and the member for Prahran, with whom I have spoken, who all agreed not to deny leave to deal with it this way. The alternative would have been for this house to have had to pass a series of renumbering amendments and then return the bill to the other place for their acceptance of all of those renumbering amendments. Once this motion is passed it would be my intention to then move that the house accepts the amendments of the other place.

**Motion agreed to.****Message from Council relating to following amendments considered:**

1. Clause 1, page 2, line 2, omit “custody and” and insert “custody;”.
2. Clause 1, page 2, line 3, omit “orders;” and insert “orders and dangerous driving;”.
3. Page 16, after line 20 insert the following heading—

**“Division 3—Dangerous driving”.**

## NEW CLAUSE

4. Insert the following New Clause to follow clause 19 and the heading proposed by amendment number 3—

**‘19A Dangerous driving causing death or serious injury**

After section 319(1A) of the **Crimes Act 1958** insert—

“(1B) In a proceeding for an offence against subsection (1) or (1A), it is to be presumed, in the absence of evidence to the contrary, that the accused drove the motor vehicle in a manner that was dangerous to the public having regard to all the circumstances of the case if the prosecution proves that the accused, at the time of the driving, was knowingly or recklessly in contravention of section 18 or 30 of the **Road Safety Act 1986**.”.

**Mr PAKULA** (Attorney-General) (17:51) — I move:

That the amendments be agreed to.

Among these amendments is an amendment moved by Dr Carling-Jenkins in the other place, and it is broadly described as being the Jalal’s law amendment. The purpose of the amendment was to respond to the very sad and serious matter where a young person had been killed in a motor accident and the driver of the vehicle was unlicensed but was, apart from being unlicensed, otherwise found by the courts to have been not driving in a dangerous manner in any respect. That is, I accept, a broadbrush description of the facts of that case.

The amendment of the Legislative Council effectively inserts a new provision which says that, to paraphrase, there would be a presumption that a person is engaged in dangerous driving if the prosecution can establish that the driver was knowingly or recklessly in contravention of section 18 or section 30 of the Road Safety Act 1986. They are the provisions that relate to unlicensed driving.

It does not create a deeming offence. It does not say that someone who is unlicensed is deemed to be driving dangerously, but it does create a presumption that they are driving dangerously if they are unlicensed. That would be a rebuttable presumption, but once the prosecution has established that the driver is unlicensed, then the onus would effectively fall on them to demonstrate that they have not been driving in a dangerous manner, with all of the circumstances being considered.

So that was an amendment that we were prepared to support in the Legislative Council, and it is important in my view that it be agreed to here, not just for the purpose of the amendment itself but because the bill in its totality is a very important piece of legislation. Apart from the important work that it does in relation to increasing penalties for those that would assault and injure our emergency workers, it makes important changes to our coronial system, and it makes some important changes in regard to real estate commissions as well. All in all, it is important that we see this bill pass the Parliament, and the acceptance of the amendment moved and carried in the other place is an important part of that.

We of course would say that our licensing system is absolutely integral to our road safety regulatory regime. We think that if someone chooses to drive while unlicensed or disqualified and in doing so causes the death or serious injury of another person, there should be an onus on them to demonstrate that they have not been driving in a dangerous manner. They will have the opportunity to do so, but it will fall upon them to do that. It is a sensible amendment that is before this place. It was the subject of considerable debate in the other place. I commend that amendment and consequently the balance of the bill to the house, and I hope that it has a speedy passage.

**Mr PESUTTO** (Hawthorn) (17:55) — I am pleased to take this opportunity to comment on these amendments. We will be supporting these amendments. I would like first to place on record our condolences and our sympathies to the mother of Jalal Yassine-Naja, for whom we are standing here today and debating this matter. Jalal, for whom this amendment is eponymously named, was killed in March 2017 when an unlicensed driver struck him in the course of driving. For various reasons, the driver received a sentence of 80 hours community service, among other things, as I understand it. That was the principle component of the sentence which was imposed. Jalal’s mother, Olivia, took up a campaign, driven by grief and a sheer determination to change the law, to see to it that tougher

laws were brought in for people who drive while unlicensed, certainly in a dangerous manner.

I agree with the Attorney-General's comments that this proposed amendment does not create an absolute or strict liability offence. It creates only a presumption — but an important presumption — that a person driving in circumstances where they either know or are reckless to the fact that they are unlicensed is presumed to be driving dangerously, and thereupon it falls upon a defendant in those circumstances to satisfy the court on an appropriate standard of proof that they were not driving dangerously. We think that is an appropriate change in the law.

The public may sometimes struggle to understand why the common law has not always treated driving offences in the same way as serious injuries caused by physical violence. Courts have for decades dealt with and wrestled with the difficulties of that, because serious injuries as a result of motor vehicles can occur in circumstances where the driver may have been innocent or momentarily distracted by something out of their control, compared with the situation where they were clearly reckless or intentionally reckless in causing injury. This amendment is an important step to change some of that and to make it clear to those people who think it is okay to drive a car when they are unlicensed that they will face a presumption which will carry a much more serious consequence for them.

We support this amendment. I think we owe it to Olivia and the memory of Jalal and victims of other drivers who were driving vehicles in unlicensed circumstances, who have gone on to either kill or seriously injure innocent people, to back up this bill with a strong campaign to make it clear to everyone in our community that driving a vehicle unlicensed will carry very serious consequences if you cannot establish that you were otherwise driving safely. On that note I can confirm that we will support this amendment, and I hope that this legislation can pass quickly.

**Motion agreed to.**

**ESSENTIAL SERVICES COMMISSION  
(GOVERNANCE, PROCEDURAL AND  
ADMINISTRATIVE IMPROVEMENTS)  
AMENDMENT BILL 2018**

*Second reading*

**Debate resumed from 18 September; motion of  
Mr SCOTT (Minister for Finance).**

**Ms GARRETT** (Brunswick) (17:59) — I am really pleased to rise to make a contribution on the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018. This bill arises from a review that was initiated and completed by the Andrews government in December 2016. The review and the response were tabled in this place on 7 March 2017. The review and the response, which we see in this bill, make some really important changes to the Essential Services Commission, including replacing the current appeals panel, which was established under the act, with the capacity for appeals to be referred to the Victorian Civil and Administrative Tribunal. It enables the minister to nominate a person to act as chairperson where there is a vacancy or the chairperson is absent, and it clarifies that the Essential Services Commission has the function of reporting on the market structure and performance of regulated industries if this is so required under enabling legislation. It also, quite wisely, provides for a further review of the act to be completed some years hence. Then there are a range of technical statute law revision amendments to the act.

It is important that we reflect on some of the work that the Essential Services Commission does for the people of this state, because it is not one of those things that readily pops into people's minds when they are thinking about the various bodies that make this state great. But they do.

**Ms Hutchins** interjected.

**Ms GARRETT** — The minister at the table, the Minister for Aboriginal Affairs, has made the point, and I will take up the interjection and have *Hansard* reflect the interjection that they do some exciting stuff. I would like to highlight some of the exciting stuff that the Essential Services Commission has been doing lately.

On their website they refer to the fact that energy companies must regularly report to the commission on how they are performing in Victoria's energy market, and this includes information on how many residential and small customers they have in Victoria and the number of customers participating in their hardship program. As we know, with the quite rightly very serious focus now on energy prices for consumers and all of the work that needs to go on when people are facing hardship, what the commission has been doing is dealing with the fact that AGL told them that they cannot submit their performance report as required. They allege limitations within their existing reporting platform. The commission is now examining all the implications of that issue. We know AGL is a huge

provider of energy to Victoria, and so the capacity of the Essential Services Commission to look into those things, to regulate and to report to the Victorian community — that level of transparency and accountability — is the great work that the commission is doing today.

We also note, on an entirely different topic, that the commission sets the maximum fares for unbooked commercial passenger vehicles and services and also with respect to taxis. They made a recent decision regarding clean-up fees and the like which has had a very significant effect on that industry and was also welcomed in the way that Victorians do their business. Just as a snapshot, that is some of the great work that the Essential Services Commission does every single day.

They are also developing new rules for embedded electricity networks, providing protections for people living in apartments, caravan parks and retirement villages who buy their electricity from private networks — and what important work that is. We know the stress that people can be under, particularly people who may be living in caravan parks, and the various issues facing retirement villages, which are well known to this house. The commission is doing that work. It has now also released its draft decision on how it proposes to implement the recommendations from the retail markets review. This is work that has a direct correlation to the lives of Victorians and how they are managing their household budgets. The commission is very important, and this bill will make sure that it does even greater work.

To put it in a nutshell, the responsibilities of the Essential Services Commission, conducted under the relevant act, include developing reports on how markets operate, delivering price determinations, producing compliance assessments and audits and taking enforcement actions when required. It also has to produce an annual work plan so that anybody can have a very good understanding of what the commission is going to be up to over the coming year. This bill clarifies some of those responsibilities, sharpening its focus.

Importantly it also replaces the appeals panel that currently exists at the Essential Services Commission. This is a very commonsense reform. What it allows to happen is that the jurisdiction for this activity will now be conferred on the tribunal that deals with these sorts of matters as its bread and butter, if you like, the Victorian Civil and Administrative Tribunal. Importantly there has been a duplication of resources in having the appeals panel within the Emergency

Services Commission. The review also notes that over the last four years only four appeals had been lodged with the panel, but the panel of course has to be ready to go at any given moment in case appeals are lodged. What this allows is a greater use of the state's resources by allowing these matters to be referred to VCAT, which of course is already established as a tribunal that deals with many disputes of this nature.

This means that relatively straightforward administrative law, procedural matters, will be able to be dealt with by a single member at VCAT, which is most apt, but where you have got disputes around very complex issues, like complex pricing matters, the bill will allow these matters to be addressed by multi-member panels. So you have got not just a single member dealing with these matters; you have got multi-member panels which will be able to give all of that expertise and ensure that there is confidence among the parties in appropriate decisions being made and the exercise of that power being done with the proper checks and balances that the parties demand in these sorts of very complicated matters. This will also lower costs for applicants, which I think is an excellent aspect of the bill. On the face of it, this will improve access to justice and may well encourage more people to exercise their rights and have these issues fleshed out when they feel that they have a grievance that should be dealt with.

The bill quite rightly allows for the minister to nominate a person to act as the acting chairperson. Currently that has to go through a Governor in Council process, and this can result in unnecessary and significant delays, particularly when a vacancy arises. Under the current legislation, during the period of that vacancy no-one is lawfully able to carry out the functions of the chairperson, so you have, if you like, a bit of a rudderless ship going on. This provision just closes that loop, allowing the minister to act very quickly and fix that problem. The acting chairperson can step in, slide in there and seamlessly deal with the duties required that under the legislation only the chairperson can rightly exercise, so this is a swift response.

Finally, in my 15 seconds remaining, this bill also clarifies that the Essential Services Commission has the function of reporting on the market structure and the performance of regulated industries, which tidies any of those questions up. I commend the bill to the house.

**Mr J. BULL** (Sunbury) (18:09) — I am very pleased to have the opportunity to contribute to the debate on the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018. This

government stands for fairness, equality and opportunity. We stand for a quality of life that enables each individual to be the very best they can be, the opportunity and the chance to start life and go to a good school and get a quality education, access to high-quality health care that does not send you and your family broke when you get sick and the chance to get a good job with decent working conditions. These are the things that we fight for. These are the things that the Andrews Labor government believes in — and access to essential services. We on this side of the house understand how important core services are to people's lives — access to gas, water, electricity. These are things that help Victorians, whether they live in my community in Sunbury, whether they live in your community, Acting Speaker, in Geelong, or whether they live in Carrum. Right across the state we know that each and every Victorian needs these services, relies on these services, to live their daily lives.

The Essential Services Commission (ESC) does play an important role in monitoring and regulating our essential services. The ESC is of course charged with independent regulatory functions that deal with the price, quality and reliability of services. The ESC was established under an act of the Bracks government and assists in regulating our energy, water and transport sectors as well as administering the rate capping system introduced of course by this government.

The Andrews Labor government understands that Victoria is growing at a fast pace — 140 000 people roughly per year — and we understand that this in turn places a greater demand on infrastructure. There is a need to build more roads, more schools and better health services and of course to continue to upgrade the infrastructure that services our local communities. This government understands that, whether they be gas, water or electricity, paying for these services — paying these bills — is often very challenging for many in our community. It is why we are of course working so very hard to increase supply with the single biggest investment in renewable energy in the state's history. These are genuinely exciting announcements around solar and wind, ensuring that there is more energy and there is greater supply in the market.

I had the opportunity to talk to some year 12 students in my community just a couple of weeks ago, and what was really clear was the understanding the students had around renewable energy and the passion that many of these students have for renewables — something that I think, when I was in year 12, certainly was not there amongst the cohort of people that I went to school with. I think it is —

**Ms Williams** interjected.

**Mr J. BULL** — Well, maybe it does say something about my school friends, honourable member for Dandenong, or me. But I have to say it was genuinely exciting to hear their passion for renewable energy, to talk about the government's commitment to solar and to talk about the government's commitment to wind energy. I think this is a really exciting and changing space. Not only does it create jobs, it creates jobs in areas where we know they desperately need new jobs — in the regions. It is really important stuff, and something that is only possible because of this government. Not only are we looking at increasing supply into the sector, we know that solar and wind farms and the solar homes package, which the students spoke to me about — they were aware of it — will of course help drive down prices whilst being good for the planet.

This bill performs a range of functions. We know that in 2016 a review of the Essential Services Commission Act 2001 was conducted in accordance with the requirements of section 66 of the act, and the bill, as other speakers have mentioned, implements several of the recommendations of this review by replacing the appeal panel established under the act with a review jurisdiction conferred on the Victorian Civil and Administrative Tribunal, VCAT; enabling the minister to appoint a person to act as a chairperson in the absence of a chairperson or a vacancy in the office; making further provision for the Essential Services Commission to report on the market structure and performance of regulated industries; providing for a further review of the act to be completed by the end of 2026; and making amendments to other acts as a consequence of the repeal of provisions providing for appeal panels to hear appeals in relation to requirements, decisions or determinations of the commission.

We know that the review concluded that the ESC was working well as an economic regulator but found scope to clarify its role and improve governance, procedural and administrative arrangements. The review made 10 recommendations to address this, and I think it is certainly worth noting that it is a provision in the act that the review occurs, but to make the broader point around improved governance for our community and our society, we should constantly be taking into account new practices and better ways of doing things. This is something that I think has been a very strong hallmark of the Andrews Labor government — not shying away and not walking away from those things that might be difficult to address but constantly reviewing legislation to ensure that the very best, most updated pieces of legislation with the best frameworks are passed by this

house and the other place to ensure that we know that our laws are for modern times, are up-to-date and of course, most importantly, provide the best outcomes for our local community.

The government's response expressed broad support for those recommendations in the review, supporting nine of the recommendations and supporting in principle one recommendation. It is also noted of course that four of the recommendations do not require a legislative change and hence are not included in the bill.

It is timely that in discussions around the ESC that we acknowledge in this place the commitment of the Andrews Labor government when it comes to renewable energy, to be a leader — not a commentator, a leader — and to actually invest and spend money in areas to not only develop the science and the technology but to increase investment in this really exciting industry, an industry that is going places and an industry that not only creates jobs, as I mentioned before, in fantastic parts of rural and regional Victoria but on top of that is good for the environment and also brings down prices. I think that is what good policy does.

This government supports the right of every Victorian to have access to those essential services. We know that the work of the Essential Services Commission is important. We understand that this work must be constantly reviewed, and it is timely that this piece of legislation is before the house. The Essential Services Commission needs to be modern, robust and able to keep pace with what is a fast-moving world. If you look at the way energy is tracked and recorded, you have only got to look back 10 or 15 years and the technology has changed so much; no doubt in 10 to 15 years' time it will have changed even more. This bill helps the ESC do this, and I commend the bill to the house.

**Ms KILKENNY** (Carrum) (18:19) — I am very pleased to rise to contribute to the debate on the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018. As we have heard, the Essential Services Commission (ESC) plays a really important role in Victoria. It is an independent regulator. It helps to set prices which are efficient, which bring back a positive contribution to our communities and which take into account the relevant markets. It looks at the long-term interests of Victorian consumers with respect to the price, quality and reliability of essential services.

The commission is supported by two sets of regulations: the Essential Services Commission Regulations 2011 and the Essential Services

Commission (Energy Industry Penalty Regime) Regulations 2016. Its objectives are set out in the Essential Services Commission Act 2001, and section 8 of that act states:

... the objective of the Commission is to promote the long term interests of Victorian consumers.

And:

... in performing its functions and exercising its powers in relation to essential services, the Commission must ... have regard to the price, quality and reliability of essential services.

What are those services? I think most of us have an appreciation of what are essential services to us, and that obviously covers things like water, energy and transport. The ESC also regulates our Fair Go Rates system. That is something that is certainly very popular in my electorate. It is something that was introduced under this government to cap our council rates to ensure that our residents are not subjected to increasing council rates and that they are getting good value for money. The ESC also administers the Victorian energy efficiency target scheme, which, as we know, aims to reduce greenhouse gases by making energy efficiency improvements more affordable for consumers.

A little bit of history: the ESC commenced in 2001 under the Essential Services Commission Act. It took over roles that were previously undertaken by the Office of the Regulator-General. As well as regulating essential services, the commission provides quite important strategic advice and recommendations to the Minister for Finance regarding economic regulation and regulated industries. It conducts inquiries into systemic reliability-of-supply issues related to a regulated industry or other essential service, and of course it conducts inquiries and reports on matters relating to regulated industries. It has quite a formal process in exercising its statutory responsibilities, including developing reports on how our markets operate; delivering price determinations, compliance assessments and audits; and taking enforcement action when required or as necessary. I have gone into some detail on the roles and responsibilities of the ESC and also the administrative nature of its operation. That is for a particular reason, which I will come to in a moment.

The bill before us proposes changes to the Essential Services Commission Act. It does this following a review of the act that was undertaken in 2016. That review is a part of the act; it is embedded in section 66 of the act. The bill before us actually implements a number of the recommendations that came out of that review. The point of that review, obviously, was to determine whether the objectives of the act and the ESC



are being achieved and are still appropriate and whether changes are needed to further facilitate the ESC's objectives.

What that review found was that the ESC was working well as an economic regulator. However, it highlighted some areas for improvement. It identified some duplication of resources and roles, and it identified areas for improvement in procedural and administrative arrangements. It came up with 10 recommendations. The government tabled the review and its response to those recommendations in March of last year. The government has accepted nine of those recommendations, and the 10th recommendation it has supported in principle.

In particular the review proposed the abolition of the ESC appeals panel, and in doing this it cited the need to minimise the duplication of resources whilst continuing that independent oversight of the ESC by an independent body. What it did was recommend replacing the appeals panel with a review jurisdiction conferred on the Victorian Civil and Administrative Tribunal. This is actually a very sensible and practical approach because, one, the appeals panel has only received four appeals over the last five years, but more to the point, VCAT is an entirely appropriate body and is already set up to hear appeals of an administrative review nature. What we see under the current system of the appeals panel is that there is a separate time-limited pool of appeal panellists who are appointed to hear and determine appeals against a requirement decision or determination of the commission, and under the bill the appeals panel powers and functions will be conferred on VCAT.

As I said, this is an entirely appropriate measure to take. VCAT is the expert body in Victoria for administrative review matters, and obviously transferring appeals to VCAT will simplify this process. It will enable VCAT to use its already existing members who are experts in administrative review. As we know, VCAT already has the power to hear review matters relating to over 140 pieces of legislation. In essence referring appeals to VCAT will enable greater access to justice for people who are seeking reviews of their decisions. It will also align with best practice principles of ensuring there are appropriate safeguards in place to allow for the correction of regulatory errors in decision-making and to provide for an avenue of effective oversight of an independent authority that is not necessarily accountable to Parliament.

I have had occasion to deal with the Essential Services Commission in my electorate. It was not in relation to

rate capping but in relation to quite a unique matter that arose around an area known as the Quiet Lakes. The Quiet Lakes is made up of three lakes: Lake Legana, Lake Illawong and Lake Carramar. In the previous term of government the then Minister for Water responded to concerns raised by those residents about very high levels of blue-green algae in the lakes. It was proposed that there would be a trial of bore flushing that would then be assessed to see whether it had any effect on minimising or in fact eliminating the blue-green algae in those lakes. The trial was timed perfectly with the 2014 election. It meant that the trial carried the matter over the election.

There were no charges levied against the residents at the time, and it was only when the trial concluded, once I became the member for Carrum, that we then had to assess the results of those trials and whether in fact charges would be incurred by the residents who bordered the lake. Melbourne Water was involved in this process and came up with a final recommendation that there would be a charge for the bore flushing and for the ongoing monitoring of the blue-green algae in the lakes. That proposal was then put to the Essential Services Commission, which went through a very, very thorough process in terms of review, looking at the pricing mechanisms and looking at who the beneficiaries were of the bore flushing and the monitoring, and they eventually concluded that the beneficiaries were in fact the residents who bordered the lakes and not any greater number of residents. It did reduce the tariff that had originally been proposed by Melbourne Water, but essentially this showed us what an effective regime this was for coming up with what is a fair price and one that is now accepted by those residents, who enjoy clean water most of the year in their quite beautiful lakes.

In conclusion, this is administrative decision-making. VCAT is already established to hear appeals on administrative matters. Conferring review jurisdiction on VCAT is good sense, and I commend the bill.

**Mr CARBINES** (Ivanhoe) (18:29) — I am pleased to make a contribution on the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018. In particular in relation to governance I certainly have a personal interest in governance matters. This year I managed to complete the Australian Institute of Company Directors course, which gave me great insights into matters of governance and an understanding of, I suppose, the value and importance of not only governance matters, but in many MPs' engagements in the local community you are supporting

volunteer committees of management or volunteer boards and also ones that you would have other involvement with in local government, as you and I would know, Acting Speaker Dimopoulos. In those roles it certainly gives some good insights into the way in which appropriate governance practices should apply.

Going back we did some very significant work in the Bracks-Brumby government days during the time that I was working for the then Minister for Health and the member for Melbourne, Bronwyn Pike, in relation to reviews of governance of hospital boards and the work that we did to review and improve the governance practices of boards of health services. In particular this was around governance matters as they related then to making sure that doctors of health services in communities were not also board members. There was significant conflict in regional communities in particular where board members were medical professionals who also drew an income from their work at those places.

They were difficult reforms, but certainly it is an expected and standard practice today that if you seek to represent your community on boards, for example, in the governance sense, then you should be able to make sure that those interests — pecuniary or otherwise — are set aside. I do not claim that that was a particular desire of people who sought to make a public contribution to hospital boards, but certainly perception is just as important as what people may choose to do, so I think it is important that the work we did to reform hospital boards was very significant. It certainly made sure that if you want to work in those places and provide a community service in that way, that is appropriate, but you cannot also then be engaged in the setting of the budgets and the capital works and other operational matters that relate to those health services.

Another example through this term of government has been our work in a governance context around 50-50 male-female representation on government boards and particularly around our reforms for water corporation boards with the Minister for Water. I am thankful to assist in my role as the Parliamentary Secretary for Water. We did a very big piece of reform work in tipping out water corporation board members and refreshing that process in our role in coming to government. We made sure that one of the clear criteria for those who seek to represent our communities on essential services like water authority boards is an understanding of climate change — that people who seek to represent their community on a water authority board have not only some experience as a customer but also an understanding of matters of climate change and

issues around making sure that those people who are in need of an essential service have the capacity to access those services.

The reforms that we brought about made sure that in not only regional communities but metropolitan communities our water authority boards have a representation that is equal male and female right across the board. It was a very significant change, and there was some resistance to that, but again what we find is that when the government sets these arrangements in place the private sector often follows. There is no doubt that it is crazy to think that water corporations would not seek to ensure that people that they appoint to their boards would have a very clear understanding of the effect of climate change in relation to the work that water authorities or water corporations need to do in relation both to environmental water holdings and to the work that they do in managing a range of catchments and tributaries and also providing that essential service to Victorians.

Governance of course has been very significant in the way in which we have made sure that there are opportunities and that we are sending very clear signals to people in the community that they can make a contribution and particularly to women in the community on government boards that there are great opportunities for them to make a contribution. Women are very much in demand, I might say, across public sector boards of governance, so there are opportunities not only to gain more experience but to make greater contributions over time. I would say also that it provides a greater perspective and greater credibility for those boards when they are making governance decisions that affect their customers and local communities.

That brings me to some of the details of the Essential Services Commission (ESC) amendment bill. Governance is certainly one aspect, but this bill proposes replacing appeals panels established under the act with a review jurisdiction conferred on the Victorian Civil and Administrative Tribunal. It also enables the minister to nominate a person to act as acting chairperson in the absence of the chairperson or a vacancy in that office. It provides for a further review of the act to be completed by the end of 2026, and it makes a range of technical statute law revision amendments to the Essential Services Commission Act 2001. Of course I should not leave out that the bill also clarifies that the ESC has the function of reporting on the market structure and performance of regulated industries if this is required under enabling legislation.

Just to cover off on a little bit of background, the ESC is an independent regulator that promotes the long-term interests of Victorian consumers with respect to price, quality and reliability of essential services. They regulate Victoria's energy, water and transport sectors and administer the rate capping system for the local government sector. I should really just spend a moment on the rate capping system. One of the most significant reforms of the Andrews Labor government, one that absolutely, can I say, went off tap in Ivanhoe, East Ivanhoe and Eaglemont in particular and one that we were able to communicate to the community was the rate capping policy of the Andrews Labor government.

My communities in Ivanhoe, East Ivanhoe and Eaglemont pay well above the odds in relation to their rates and subsidise many services across the community based on of course the rate valuations. The community was very keen to see that as they had had something like 15 per cent increases, way above the average. Banyule City Council had a 15 per cent increase at the time, under very significant pressure and without any explanation. As a former councillor myself, I do know that it can be easy to just say, 'We can put up the rate' and put up a per cent. Back in time it was probably worth \$450 000; it would be a lot more now. But of course who is paying that? And where is the accountability on the local government sector? If you are going to start putting your hand out and asking ratepayers to contribute more, where is the accountability for that? It cannot just be a council meeting where the regulars turn up and somehow that is meeting your obligations.

I can absolutely and utterly say that the rate capping arrangements provide greater accountability for local governments to justify why they need to raise rates above the CPI and why they need to see those rate increases imposed on communities. The arrangements provide an opportunity for local governments to go to the ESC and put their case for why they are different. When we look across the 70-odd local government authorities in Victoria, how many of them actually decided to do the work and take their case to the ESC and say, 'Hang on, we're being ripped off, we're not happy and we want to do more'? The vast majority did not. Instead they buckled down and knuckled down and they did more with the resources provided to them by their local ratepayers. It is a very significant policy.

I do not say that that means there are less trips going on or that that means there are less services at all, but I do think it has put a greater priority on what councils spend their money on and greater thought is going into what resourcing they want to draw from the local

community. Rate capping in Banyule, particularly in the Ivanhoe electorate at the southern end of the municipality, was very much welcomed. Particularly as we see house prices rising across the electorate this will also benefit other communities. I commend the work of the ESC and the amendments proposed in this bill.

**The ACTING SPEAKER (Mr Dimopoulos)** —  
The member for Essendon.

**Mr PEARSON (Essendon) (18:39)** — Thank you, Acting Speaker, and it would be remiss of me not to acknowledge the fact that you are in the chair tonight. I have thoroughly enjoyed working with you over the course of the 58th Parliament, both in this place and in the various Public Accounts and Estimates Committee meetings and hearings we have sat through. It is indeed fitting that on the penultimate day of the 58th Parliament with only, dare we say, an hour or so to go we have this opportunity to comment on our friendship over the course of this Parliament.

This bill is important legislation. I do want to commend the work of the Essential Services Commission (ESC). It used to be the role of the minister for energy to gazette the price rises that were gazetted under the old State Electricity Commission of Victoria (SECV) and the Gas and Fuel Corporation of Victoria. I remember talking with David White, who was the minister for energy in the Cain government and described the fact that it is sometimes quite a difficult task when you have to go out there and say, 'Well, I'm the minister. I'm fronting the cameras. I'm saying that we're going to increase gas or electricity or water prices by 4 per cent next year'. He said he found that at times quite a difficult challenge and it was a balancing act, because you obviously needed to make sure that you raised sufficient revenue to invest the capital that these capital-intensive industries required, but also you could not really gouge consumers because there would obviously be a reaction.

I remember the 1996 election quite well, being a referendum on privatisation — that was I think the tagline that John Brumby used as the opposition leader at that time. I remember being quite passionate about making sure that we fought to keep the SECV and the Gas and Fuel Corporation in the hands of the public. I believe that was the right thing to do at the time. I worked incredibly hard on that campaign. I worked on the Koonung Province campaign. I think I managed to letterbox most of Forest Hill by myself in the heat of the 1996 summer. I remember seeing the results come in that night, and it was just devastating, having worked so hard and been so devoted to the task at hand. Look, we were never going to win in 1996, but to feel like we

could come within striking distance was what we aimed for.

The reality with the 1996 result was that you had a whole lot of very safe National Party and Liberal Party seats become less safe. You had a whole swathe of seats that were safeish, held by the coalition, become marginal. We lost Carrum. We picked up Bendigo West, Ivanhoe and Essendon and we lost three or four seats in the upper house. So it was a great disappointment. But you know what? I took from that result that the voters are always right. They always get it right, and you accept the verdict. I thought to myself, 'Well, that's it. That's gone. We can't fight the voters. The voters have made it clear. We said this was a referendum on privatisation, and they said, "You got it wrong. We support what the Kennett government is doing"'. .

So you have got to accept that, and as an opposition at that time we did accept it. We got on with it, and we were in a position to win. I have got to tell you, it was one of the greatest joys of my political life, being on the floor of the tally room on 18 September 1999 when those results came in. I got in the car and drove back to head office to then go to the Williamstown surf lifesaving club, where Ben Hubbard, who was a senior adviser to Steve at that stage, said, 'I think we could win this'. I thought to myself, 'No, we can't. I mean, we're going to come close, but we're not going to win'. You accept the verdict and you move on, and if you work hard and you are disciplined and you are focused and you apply yourself then you can win. I think that is a useful observation when I think and reflect on what I have seen over the course of this Parliament.

But what does that all mean? What it means, as Deng Xiaoping said, 'It does not matter whether it is the black cat or a white cat, so long as it catches the mouse'. So it does not matter whether these assets are owned by the private sector or whether they are owned by the public sector. The reality is what has to happen is they have to be properly regulated. You have got to have an appropriate form of regulation.

I thought at the time, with the full rollout of retail contestability in 2000, there would be a plethora of new entrants, there would be more offerings available and that level of competition would drive down prices. Running concurrently with that was that the industry said, 'You want us, government, to invest in these assets, and we are entitled to get a return on our capital. So if we invest in this infrastructure, then we should recoup that through higher charges'. All very fair and simple at one level. At one level, it is very simple. But I

think you would find that what happened over the course of that time was that the sector gamed the system. That is why we have seen this escalation in prices, and that is where we find ourselves.

The opposition can bang on about Hazelwood until the cows come home, but electricity prices and gas prices have been a problem for probably a decade as we try to grapple with tackling climate change, as we try to deal with cost-of-living pressures and as we try to deal with security of supply. There is a role for the ESC. The ESC plays a really important role in terms of providing a level of regulation to protect consumers but not to undermine the viability of these businesses. That is a really important point to make. We could turn around and introduce price caps tomorrow. We could say to the ESC, 'Right, we want you to have price caps' or 'We want you to impose price caps', and energy prices will rise no more than 1 per cent or zero per cent or 0.5 per cent. The problem of course is if you have a blunt instrument like that, these businesses will not invest in their businesses; they will not invest in maintenance and capital upgrades. Businesses will fall into a state of disrepair, and when it comes time to upgrade these businesses we will see a price shock.

With a regulator such as the ESC you want the carrot-and-stick approach; you want a bit of a light-handed approach where it is appropriate to make sure that they can operate — and they can operate efficiently and effectively. But you also want to make sure that there is capacity to turn around and say that you cannot gouge, you cannot game the system and you cannot rip off the punters.

Acting Speaker Dimopoulos, you and I are showing our age — although when I told my wife recently how old you were, she was quite surprised; she thought you were much younger than I am. I think there is lower mileage on you than me, mate. But when you think about that, you have been around long enough to see that pendulum of public policy, and it always swings back and forth. There will be a thrust of deregulation, then there will be a rush back to reregulation, and that is kind of how it goes. Broadly speaking, I think that is fine. You need to try to make sure that you keep the car on the road. You try to make sure that it does not go too far left, it does not go too far right, so it is sort of slap-bang in the middle where it should be. The ESC plays a really important role in trying to get these things right.

What we are seeing at the moment is that people are concerned about cost-of-living pressures. People are concerned about the impact that is going to have on them. It is important to have a strong regulator who can

understand industry as well. There is not much point in having some kind of pointy-head from the economics department at Melbourne University, who can graph a model until the cows come home and can dream of calculus at 4.00 a.m. It has got to be done in a way where it can be applied in a practical sense. It has got to be done in a way which actually makes sense to business, that business can understand and that they can then interpret and implement. You just need that practical footing.

When you have an ESC that is active, engaged and focused on these things and you can come up with a form of regulation that does not undermine these businesses but protects consumers, it is a really important initiative. Despite the fact that this is a fairly straightforward bill, I suspect that we are going to see the ESC play a bigger role, because all the hopes, all the dreams and all the promises that privatisation promised back in the 1990s have been illusory.

A mate of mine worked for Macquarie Bank for a long time. He used to tell me, 'Pigs get fed, hogs get shot'. You get too greedy in life, you are going to come a gutser. That is what I reckon is going to happen with some of these businesses, because they have overreached. They have to be brought back into line and basically come up with a form of regulatory regime which ensures that at least they can get a return on capital, their equity holders can get a return on their investment but the consumers are not ripped off. I commend the bill to the house.

**Ms HUTCHINS** (Minister for Aboriginal Affairs) (18:49) — I rise to speak on the Essential Services Commission (Governance, Procedural and Administrative Improvements) Amendment Bill 2018, and I think it might be up there with the longest bill title that this Parliament has seen in the last few years. But what does 'essential' mean? Really, what does it mean? It means: absolutely necessary, extremely important. So here we are in the last week of Parliament, doing the absolutely necessary, extremely important work that so many people in this place do. In particular, those at the table who are here into the late hours. While others are celebrating, we are here doing that important Essential Services Commission (ESC) discussion work.

**Ms Kealy** — The heavy lifting.

**Ms HUTCHINS** — The heavy lifting, as I have been told from across the table. This is a bill that is pretty essential.

**An honourable member** interjected.

**Ms HUTCHINS** — The Acting Speaker is doing a great job too. Yes, he is.

To get back to the core purposes of the bill, it is to look at making some slight changes under the Essential Services Commission Act 2001 based on a review that was undertaken, really in conference with the Victorian Civil and Administrative Tribunal.

I have got to say that my favourite part of the work that is done by the Essential Services Commission, and they do do a power of work across the state, is the work that they have done with the Fair Go Rates system. I had the pleasure of working with them very closely in the lead-up to putting those new regulations in place and also talking through with them, at great length, how they would actually govern that system and what procedural and administrative arrangements would be in place. Out of the 79 councils across the state and their peak bodies, everybody had an opinion. Everybody had an opinion about how it should operate, and I saw a new demonstration of patience come from the essential services commissioner in engaging in and talking through that process and the way forward in putting in place that new system.

So what does Fair Go Rates do, what is the role of the Essential Services Commission and what are the functions that they have got in that? Basically, on an annual basis they are able to set a rate cap for rate increases. As we have heard from previous speakers, some of those rate increases have been as high as 4, 5 or 6 per cent annually in some pockets of Victoria, which we have found has really driven up the cost of rates, and we know that our rates notice bill is one of the biggest bills we get through our letterbox annually if we own a house. It is something that a lot of people financially struggle to pay. So this policy that the Essential Services Commission oversees really goes to the heart of tackling cost-of-living issues and making an analysis around what level council rate increases should be capped at. And in the last financial year, we saw a cap put in place. Since the 2018–19 financial year announcement, we have seen rate increases capped at 2.25 per cent going forward.

It is quite ironic that you sit in the chair here, Acting Speaker Dimopoulos, as a former Monash councillor, because the one council that was granted an exemption in the last round was the Monash City Council.

**The ACTING SPEAKER** (Mr Dimopoulos) — I had nothing to do with it.

**Ms HUTCHINS** — Which he had nothing to do with — I put that on the record. To get a higher cap,

what Monash City Council did was they were able to demonstrate that they had the need for what they were asking for in a higher cap — they wanted to implement a new recycling services program — and that they had done the community consultation and ratepayers and residents desired and supported the program. So they ticked those boxes, and they were able to demonstrate that they were actually expending all their other income into core areas.

So there was a legitimacy, and really quite frankly it is not for a minister to decide whether a council gets the tick on a rate increase or not above the rate cap. That is why we have the Essential Services Commission to take on board all the financial evidence and to look at the consultation that has happened with the community, not to put a value on the program that they are trying to fund, because quite frankly if residents — ratepayers — are supportive of it and the council can demonstrate that, well, that is what is important to that community. So the role that the Essential Services Commission has played in being able to grant those exemptions has been quite important in making sure that this Fair Go Rates system actually works.

In the last financial year we saw the Essential Services Commission grant a number of small rural councils a higher rate cap based over four years, so there was longevity for them. They included the councils of Towong and West Wimmera, both areas which have been struggling with maintaining population and which also have populations that demand the same services be delivered to council. In many of the small towns that both those councils cover quite often council is the only presence in that town delivering services other than shops. So their role is very essential in those local communities, and the Essential Services Commission was able to take on board those applications and make a decision over a four-year forward period around those particular councils.

As I said, the reasons that they grant these sort of exemptions really is about them doing an analysis on the use of council resources via a demonstrated consultation and support from the community and council income streams. I remember, as a former Minister for Local Government, sitting around the table in a ministerial mayor's advisory council meeting and hearing Robert Doyle, the mayor of the City of Melbourne, talking about his car parking income for the City of Melbourne and how that car parking income figure that he referred to was three times the annual income of the entire budget of the Alpine Shire Council. So comparing apples and oranges does not quite work. That is why we need the role of the Essential Services Commission and what they provide

as a way forward in supporting the longevity of our councils, and the really important work that they deliver out to our communities.

So the ESC exercises its responsibility under the Essential Services Commission Act 2001, and these responsibilities include developing reports on how markets operate across the various sectors that they determine their decisions in, producing compliance assessment audits, delivering price determinations and also producing an annual work plan which outlines their key focuses for the year in those particular sectors.

What the amendments in this bill do is make a change so the act can reflect what is best modern practice — that is, to ensure that the person who acts in the office of chairperson can now be appointed without having to go through a Governor in Council process, which gives rise to the risk of significant delays, particularly when a vacancy arises, because during the period of vacancy no-one is lawfully able to carry out the functions of that chairperson, and the chairperson does play a very important role. The proposed amendments overcome this problem by allowing the minister to appoint a person as a chair and act swiftly if there is a vacancy, because quite frankly there are too many matters that the Essential Services Commission does fantastic work in that we cannot put at risk by not having somebody in that role to tick off on the decisions, to undertake the work that they do and to ensure that adequate reporting is being done on market structures and the performance of regulated industries such as our energy industries and our councils — and their council rating.

Can I just finish up by commending the work of the Essential Services Commission, its staff and its commissioner.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The ACTING SPEAKER** (Mr Dimopoulos) —  
The question is:

That the house now adjourns.

### **Ringwood East Myki outlet**

**Ms RYALL** (Ringwood) (19:00) — (15 010) My adjournment request is for the Minister for Public Transport. The action I seek is that the minister direct Public Transport Victoria (PTV) to install Myki services at Paul's Supa IGA in Ringwood East.

There is currently no option to buy or top up Myki cards in East Ringwood at the shops or at the station because

the newsagent, which was the only provider of these services, has recently closed. That has left both bus and train commuters high and dry for at least a month now. Public Transport Victoria was aware that the newsagent was closing well in advance of its closure, and there has not been a reinstatement of the service in East Ringwood since that time. The closest Myki service is now located about a 30-minute walk away. Paul's IGA, opposite the Ringwood East train station, has been contacting PTV on a regular basis to have the service installed so that residents are no longer inconvenienced. Paul's IGA are open not just on weekdays but also on the weekends, so it will benefit my local constituents to have them provide Myki services.

Unfortunately, even though Paul's IGA have been in regular contact with PTV, it has still not actioned this, and PTV has actually said that it takes a long time to do this. My issue and my concern with a statement like that is that PTV knew in advance that Myki services would be discontinued, so it had sufficient time to be able to install them or provide that service through another outlet at East Ringwood. It has not done that. It has got a willing provider at Paul's IGA, so it should not be taking a long time. It should be actioned right now. I would appreciate the minister's urgent intervention in this matter so that residents in my local community are no longer forced to travel out of their way in order to get their Myki topped up or to purchase a Myki card — or risk being fined due to not having the time to top up their Myki card.

### **Melbourne Polytechnic**

**Mr CARBINES** (Ivanhoe) (19:02) — (15 011) My adjournment matter is for the Minister for Training and Skills in the other place. I ask the minister to visit the Ivanhoe electorate and meet with the team at Melbourne Polytechnic's West Heidelberg campus — the campus that of course suffered cuts of \$25 million in the very first year of the Baillieu government. It is a TAFE campus in West Heidelberg that also had to institute paid parking for TAFE students who during the day were at work on the tools at their workplace and had to bring their utes and vehicles to do their training courses at the West Heidelberg campus of what was then Northern Melbourne Institute of TAFE, now Melbourne Polytechnic. They had to pay to use the car park to go to TAFE on their way from being out there on the job. I think that just goes to show how things have changed under our government, the Andrews Labor government.

In particular there was the reopening of the Greensborough campus of Melbourne Polytechnic, and there is the \$10 million Banyule-Nillumbik Tech

School that has been co-located on the Greensborough campus of Melbourne Polytechnic. Of course Melbourne Polytechnic is now going from strength to strength and offering great services also at their West Heidelberg campus.

It would be greatly appreciated if the minister could spend some time out there with us at West Heidelberg. She has certainly been a big supporter. She has met with Melbourne Polytechnic board members and the management team in the past, but we have got some exciting proposals and work that we would like to take forward with the further support of the government. Certainly we would appreciate the opportunity to take the minister through some of that work along with my colleague from Eastern Metropolitan Region in the other place, Shaun Leane. He is also someone who is doing a lot of work with our infrastructure investment and opportunities for trades and training for people in my local community, particularly the 3081 community. I look forward to catching up with the minister along with the team at Melbourne Polytechnic, and I commend my adjournment matter to the house.

### **Princes Highway east**

**Mr D. O'BRIEN** (Gippsland South) (19:05) — (15 012) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is that the Minister for Roads and Road Safety actually come to Gippsland and explain to Gippslanders in the electorates of Morwell, Gippsland South and Gippsland East why his government has failed to fund the duplication of the Princes Highway between Traralgon and Sale. This is a very important project. It has had bipartisan support at both levels of government until this year's budget. Only a 20 per cent contribution is required by the state government — about \$33 million, as I understand it — but this was not forthcoming in the budget just gone. I have asked the minister about this previously, and his answer of course was, 'There's not another budget until next year'. So given the election is looming and also given that the Labor Party does not have a candidate yet in Gippsland South, I think it is incumbent on the minister to come to Sale and explain to the people of Gippsland why this project has not been funded.

He could also, while he is there, explain his statements published in the newspapers in recent times that the federal government is at fault because there is only \$10 million in its budget for this project. In fact the commonwealth has put on the table, subject to the Victorian government's contribution, its \$132 million contribution. I suspect the minister might say, 'But there's only \$10 million in this year's budget'.

**Mr Donnellan** interjected.

**Mr D. O'BRIEN** — That would actually allow us to get on with the job, Minister, because at the moment it is \$10 million more than what you have put in, and you actually own the road. It is time for the state government to stop playing political games with the motorists of Gippsland and actually get on with the job of this very important project that will duplicate the entire Princes Highway between Traralgon and Sale — if the minister actually puts the money up for the Victorian government's contribution. The community is frustrated about this. I have been getting petitions signed left, right and centre. The business community is concerned. They know that when the road is duplicated it will engender a lot more confidence in our area, it will improve freight movements and, most importantly of course, it will improve safety in the region.

The people of Gippsland are frustrated beyond the extreme. I can tell the minister to come and stand outside Aldi in Sale for a little while. They are frustrated about the wire rope barriers going up everywhere but not actually seeing important projects like the duplication of the Princes Highway occurring. So I invite the minister again to come down and explain when the government is going to fund this project and why it has not funded it in this year's budget.

### **Riddells Creek railway station**

**Ms THOMAS** (Macedon) (19:07) — (15 013) The matter I wish to raise is for the attention of the Minister for Public Transport, and the action I seek is that the minister join me at Riddells Creek railway station to better understand the very real need for additional car parking spaces at the station.

Minister, last week you announced that a re-elected Andrews Labor government will deliver 11 000 new car parking spaces across Victoria as part of our government's \$150 million Car Parks for Commuters Fund. This is a fantastic initiative. Commuters in my electorate have certainly welcomed the safety and security upgrades and additional sealed car parking spaces delivered at Gisborne and Kyneton while works are underway at Macedon, Clarkefield and Woodend stations. Riddells Creek, however, is one of the busiest stations in my electorate, and the existing car park is full. This is having an impact on local businesses as car spaces intended for shoppers are being taken up by commuters. I look forward to welcoming the minister to Riddells Creek so that she can see the importance of funding additional car parking spaces as a first priority of a re-elected Andrews Labor government.

### **Eildon electorate roads**

**Ms McLEISH** (Eildon) (19:09) — (15 014) My adjournment matter tonight is directed to the Minister for Roads and Road Safety, and I am thrilled to see him sitting at the table over there. The action I seek is for the minister to make safety improvements to the Maroondah Highway on the corner of Badger Creek Road and Wilson Street. This is probably the third time I have raised this matter with the minister. Previous advice has been that VicRoads seems to think that this is an okay intersection. It is a very busy intersection; it is a mix of pedestrians, buses and regular traffic.

The coaches turn right from the Maroondah Highway onto Badger Creek Road, which is the road to the Healesville Sanctuary and so it is an extremely busy road. There is a little cafe, Habituel, on the corner. You can stand in that elevated cafe on the Maroondah Highway and watch that intersection. The people at the cafe have now dedicated themselves to getting 1000 signatures of people who believe the intersection is dangerous. I have run a campaign on this as well, and the constant feedback is that it is dangerous. People do not want traffic lights in town, but they certainly do want safety improvements.

I have received two letters from the minister. The one in April 2017 says:

VicRoads will undertake a site inspection with Victoria Police to assess the intersection ...

to see if any improvements can be made.

A bit later I had another letter from the minister, following a second one to him from me. My favourite line is:

I acknowledge your concerns with the geometry of the intersection and its weekend operation.

I find it amusing that he has referred to the geometry of the intersection because they are not particularly words that would normally be used. This intersection continues to cause grief. People come up Wilson Street, often after they have been to the supermarket, and that is very busy in itself. Although, as I think the minister has advised me, the road has 7 metres on either side, it is not really enough for passing, and accidents happen on a frequent basis. As I said, people in the Habituel cafe watch this intersection on a regular basis.

### **Yuroke electorate projects**

**Ms SPENCE** (Yuroke) (19:11) — (15 015) My adjournment matter is for the attention of the Minister for Local Government, and the action I seek is for the



minister to provide an update on the delivery of the three terrific local projects announced in the Yuroke electorate as part of the latest round of the Andrews Labor government's Growing Suburbs Fund. Yuroke residents have strongly welcomed the announcement of \$4.6 million to help deliver Craigieburn's first-ever softball centre, a huge new community hub in Kalkallo, and a play space upgrade at the Hume Tennis and Community Centre.

These build on other projects that are well underway or have already been delivered in the Yuroke electorate, thanks to this great initiative, including the Craigieburn Park Inclusive Playspace, the Annadale Interim Community Centre, the Aston Recreation Reserve development and the Arena pavilion. A big thankyou to the minister for all these great investments. I am sure Yuroke residents would appreciate any information that can be provided on the next steps delivering these projects.

### **Native species protection**

**Ms SANDELL** (Melbourne) (19:12) — (15 016)  
My adjournment is for the Minister for Energy, Environment and Climate Change. I ask the minister to write to me and outline whether this Labor government is going make any announcements on policies before November to protect our precious native species in Victoria. Unfortunately over the past four years the Andrews government has done very little to protect nature. In fact the extinction crisis does just keep getting worse.

For those not keeping score at home, here is the record. Firstly, on our forests, Labor continues to log and burn precious native forests just to make cheap paper, and in fact taxpayers pay money to do so. Our forests are home to threatened species like the Leadbeater's possum and the greater glider. This government came to power in 2014 promising to do something about them, but in fact our forests just keep getting logged at a rate of five MCGs per day.

Secondly, on oceans and beaches, the list of failures is quite long. This government has opened up our western coastal waters to gas exploration, explicitly ruled out creating any new marine parks, opened up hooded plover habitat to be trampled and destroyed by racehorse training, and is proudly supporting AGL's plan to bring a monster gas ship into Western Port Bay, threatening internationally recognised wetlands. Labor and the Liberals have in fact three times voted down a Greens bill for a refund on bottles and cans, condemning our ocean life to more plastic pollution and more litter.

Thirdly, on animals, this government continues to allow cruel duck shooting. It has even allowed VicForests, the state logging company, to deliberately log sensitive native forests as a so-called experiment to see how many threatened animals they kill in the process. Domestic and farm animals are no better off under Labor, which continue to support battery farms for chickens, sow stalls for pigs and cruel jumps racing.

Lastly, right across Victoria our habitat is disappearing. We have not seen funding levels for national parks restored to the levels that are needed. Our national parks are being destroyed by invasive species and new national park creation is at its lowest level in 50 years. Habitat on public and private land is being eaten away by unchecked development, including for sprawling housing estates, new roads and mining. This government has also refused to support Greens' amendments to our toothless environment laws to bring them up to scratch with places like the USA.

When you see this shocking record laid out, it is pretty damning. I call on the minister to tell the people of Victoria how the government will make amends for four years of failure to protect nature, because if we go to the election with Labor again having no plan to protect our environment and we have to wait another four years for action, for many endangered species and habitats it simply will be too late.

### **Hurstbridge visitor economy**

**Ms GREEN** (Yan Yean) (19:15) — (15 017) I am delighted to rise in the adjournment debate tonight. My adjournment matter is for the Minister for Tourism and Major Events, and the action I seek is for him to meet with the traders of Hurstbridge to assure them that, unlike the Liberal Party, Labor sees the visitor economy at the heart of the economic development of Hurstbridge and that we have no intention of turning Hurstbridge into yet another suburb.

The Shire of Nillumbik and my Liberal opponent are in lock step in calling for the full duplication of the Hurstbridge rail line all the way to Hurstbridge. They are saying that this will deliver 20-minute services for Diamond Creek, Wattle Glen and Hurstbridge. Their call is just dressed up as a reason for them to have full development of the green wedge and urban development within Hurstbridge.

What the traders in Hurstbridge want is a dynamic tourism economy. I want the minister for tourism to reassure them that Labor's plan can actually deliver this. We know that there are a number of lessees on

VicTrack land in Hurstbridge that have visitor economy proposals and that these would be under threat if the Liberal Party were to duplicate the line fully to Hurstbridge and also if they were able to fulfil their stated aim to relocate train stabling from Eltham further along the line. I also think the Nillumbik Shire Council's proposal for \$20 million of recreational facilities in Hurstbridge in their election advocacy statement is simply dressed up so that they can say, 'There's now the infrastructure. We'll be able to deal with the Leader of the Opposition as Premier to assist him with the 300 000 additional housing lots that he wants to have in Melbourne'.

The green wedge boundary remaining exactly where it is in the Shire of Nillumbik will protect Hurstbridge's amenity and the value that it has to the visitor economy more broadly across the Yarra Valley and Dandenong Ranges. It is a wonderful little town. It has the 13th most popular eating venue in Melbourne — I think it is even better than that — in Greasy Zoes. The food is outstanding. There are numerous other businesses there that could really expand in the visitor economy if they had the certainty of knowing that there will be no expansion of the VicTrack footprint in Hurstbridge.

### Mount Fyans wind farm

**Mr RIORDAN** (Polwarth) (19:18) — (15 018) My adjournment matter is for the Minister for Planning. The action I seek is for the minister to ensure that an environment effects statement (EES) is asked for and completed for the proposed wind farm at Mount Fyans near Mortlake.

In recent weeks this government has again committed the state of Victoria to an ambitious renewable energy target of 40 per cent by 2025. This of course does not come without cost or change to many small country communities. Despite the projected investment of billions of dollars, including those projects announced last week by the Premier in Ararat, in hiding — projects such as Mortlake South, Berrybank, Dundonnell and other future projects that will be built leveraging off these, such as the Mount Fyans project — this government has not sought in any way to coordinate or strategically manage this massive industrial investment on a scale that western Victoria has never experienced before.

Contrary to the rampant urban myth perpetuated by this government, green groups and others, farmers, country communities and local jobseekers are not queueing up for these massive landscape-changing projects. In fact nothing could be further from the truth. It is not true to say that the rush to wind is without cost. There was the

recent decision to not insist on an EES for Mount Fyans when there will clearly be a large cumulative effect, with the recent Dundonnell and Mortlake South projects having been approved. This was highlighted very graphically on Monday night, when 470 people again gathered at the Mortlake memorial hall to express their deep concern and frustration at the way the government is handling this rollout of renewable energy.

It is time for the government to start managing its renewable energy rollout. The infrastructure and location of these projects should not be arrived at by accident. Local communities need to know that their homes, their environment, their landscape and their way of life will not be given away on a whim, that they will be protected and valued in the rush to invest billions in renewable energy-generating plants that the government is committing to across western Victoria.

Issues such as transmission lines, access, landscape pollution and the operation of these projects needs to be done in a coordinated and managed way. The state of Victoria is currently creating a blight across western Victoria, and it has no management plan whatsoever in place. The communities are becoming distrustful, and we are now seeing on a regular basis community meeting after community meeting in affected townships and local areas where people have deep and genuine concerns about the way their landscape and their community will be left by the time this government has finished implementing a policy that is purely designed to keep inner-urban greens happy.

### Diamond Hills Preschool

**Ms WARD** (Eltham) (19:21) — (15 019) My adjournment matter is for the Minister for Early Childhood Education in the other place, and I seek the minister's support for Diamond Hills Preschool in my electorate. The inclusive kindergartens facilities program buildings and playground funding for early childhood services is very important for helping preschools ensure there are spaces where children of all abilities can learn through play.

I draw the minister's attention to the application to this program made by the Diamond Hills Preschool in my electorate of Eltham. I understand they have applied for funding to support stage 3 of a large renovation project. If successful, the project will provide the preschool with a rear playground with inclusive learning spaces embedded within the outdoor play environment for children of all abilities, and it will install a new ramp with handrails to meet Disability Discrimination Act 1992 requirements. This will address the access issue at the rear play space for the preschool.

I call on the minister to support Diamond Hills Preschool's application for an inclusive kindergartens facilities program buildings and playground grant. This grant will benefit all children at Diamond Hills Preschool, including those with disabilities and additional needs, to ensure they are getting the best possible start in life.

### Responses

**Mr DONNELLAN** (Minister for Roads and Road Safety) (19:22) — In relation to the member for Gippsland South's matter, it was in relation to the Princes Highway duplication between Traralgon and Sale. As I indicated at the time when I previously mentioned this, we had no indication that the federal government was going to continue with its duplication, so we were not able to actually allocate funding in the budget. As the member would be well aware, we have actually reallocated \$700 million, which went into regional Victoria from the east–west link money, which was worked up together very well with Darren Chester —

**Mr D. O'Brien** interjected.

**Mr DONNELLAN** — Well, obviously the state government needs to match that, so that is fine. Darren Chester was very good to work with, but unfortunately he was massacred in some exchange along the way and we have lost our Victorian infrastructure minister who was great to actually work with. I have said to the member for Gippsland South before that Darren Chester was very good to work with. Unfortunately we were not given an indication that they were going to do that, but obviously we will look at that in the next budget —

**Mr D. O'Brien** interjected.

**Mr DONNELLAN** — We did not ask for the money. We are always asking for more regional money —

**Mr D. O'Brien** interjected.

**Mr DONNELLAN** — No. Let us be very clear: unless we have an indication from the federal government that they wish to match us with funding, we will not allocate that in our state budget. Our state budget comes first, and unfortunately we had no connection with the federal government at the time because we kept having the deck chairs change. That is a bit disappointing.

I note that the local Victoria State Emergency Service unit is overjoyed with the wire rope barriers. They have

indicated quite clearly that they are going out to less accidents on the road and that the barriers are saving lives. So let us wait for the return of someone like Darren Chester and we will have a whole lot more done on regional and country roads, because we will have someone who will articulate what they want to do and who will work with us very clearly in partnership. I would be happy to do that because I think that was a person who was very good to work with.

In relation to the member for Eildon, VicRoads have obviously looked at that intersection at Badger Creek Road and Wilson Street, Healesville. They have obviously undertaken that assessment. I take my advice from road safety experts, and they have very clearly indicated that they believe that intersection is safe.

The members for Ringwood and Macedon had issues for the Minister for Public Transport. The member for Ivanhoe had a question directed to the Minister for Training and Skills. The member for Yuroke had an issue for the Minister for Local Government. The member for Melbourne had an issue for the Minister for Energy, Environment and Climate Change. The member for Yan Yean had an issue for the Minister for Tourism and Major Events, which I will refer on. The member for Polwarth had an issue for the Minister for Planning. Lastly, the member for Eltham had an issue directed to the Minister for Early Childhood Education.

**The SPEAKER** — The house now stands adjourned.

**House adjourned 7.25 p.m.**

